

Copmanthorpe Neighbourhood Plan

Part 6



Habitat Regulation Screening Report

January 2025

COPMANTHORPE NEIGHBOURHOOD PLAN HABITAT REGULATION SCREENING REPORT

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1. Introduction

- 1.1 This Habitat Regulation Screening Report has been prepared by Copmanthorpe Parish Council in accordance with the Neighbourhood Planning (General) Regulation 2012 (as amended), Habitat Directive¹ and Conservation of Habitats and Species Regulations 2017 (as amended) to support the Copmanthorpe Neighbourhood Plan.
- 1.2 The aim of this Screening Report is to assess whether there are likely to be significant effects on the qualifying features of European Sites as a result of the emerging policies set out in Neighbourhood Plan that would necessitate the production of a full Habitat Regulations Assessment.
- 1.3 This report assesses, as far as is practical, whether there are likely to be any significant effects on European Designated Sites within or relatively proximate to the approved Copmanthorpe Neighbourhood Plan area.

Legislative Basis

- 1.4 Article 6(3) of the EU Habitats Directive states that:
Any plan or project not directly connected with, or necessary to, the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.
- 1.5 The purpose of the Habitat Regulations Assessment (HRA) is therefore to ensure the protection of European Designated Sites (Natura 2000) wherever practicable. European Designated Sites are designed to form an ecologically coherent network of designated spaces across Europe.
- 1.6 European Designated Sites, (Natura 2000) include **Special Protection Areas** (SPAs) and **Special Areas for Conservation** (SAC). As a matter of policy the government also expects authorities to treat **Ramsar sites**, **candidate Special Areas of Conservation** (cSAC) and **proposed Special Protection Areas** (pSPA) as if they are European Designated Sites for the purpose of considering development proposals that may affect them.
- 1.7 Definitions (taken from the DEFRA- Joint Nature Conservation Committee):
 - **Special Protection Areas** (SPAs) are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive, which came into force in April 1979. They are classified for rare and vulnerable birds and for regularly occurring migratory species.
 - **Special Areas of Conservation** (SACs) are strictly protected sites designated under the EC Habitats Directive. Article 3 of the Habitats Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species. The listed habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).
 - **Ramsar sites** are wetlands of international importance designated under the Ramsar Convention.
- 1.8 In April 2018, a notable judgment by the European Court of Justice gave its ruling on the People Over Wind² case which provided a new interpretation of when and how mitigation

¹ Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (21 May 1992)

² [Case C/323-17 People Over Wind](#), Court of Justice of the European Union

measures should be considered in an HRA. In departing from previous decisions, it clearly identifies that measures designed specifically to avoid or reduce likely significant effects should not be evaluated at the screening stage but reserved for the appropriate assessment. The implications of this recent judgment are still to be fully understood, in circumstances where the plan which the specific subject of consideration under the Directive and Regulations itself includes policies which provide for mitigation, but for the avoidance of doubt this HRA takes full account of this ruling.

- 1.9 The Neighbourhood Planning (General) Regulations 2012, state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the ‘basic conditions’ set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which include the need to undertake a Habitat Regulations Assessment. Regulation 106 of the Conservation Regulations³ also requires that sufficient information is provided alongside the Neighbourhood Plan to enable understanding of whether a Habitat Regulation Assessment is necessary.

Planning Context

- 1.10 The Neighbourhood Plan, once adopted, will present planning policy and guidance for the neighbourhood area. The CNP is being prepared in the context of the emerging City of York Local Plan, which was submitted for independent Examination on 25th May 2018. The Local Plan will, when adopted, provide a strategic framework for how future development across the City of York will be planned and delivered and will be fully compliant with the National Planning Policy Framework (NPPF). At present the Local Plan Examination is ongoing. Phased Hearing Sessions took place in 2019, 2022 and 2024. The Council consulted on the proposed Main Modifications to the plan in Spring 2023. The Local Plan is supported by the following relevant Habitat Regulation Assessments:
- EXCYC45 & EXCYC45a - Local Plan Habitat Regulation Assessment 2020⁴
 - EXCYC128b – Local Plan Proposed Main Modifications Habitat Regulation Assessment ⁵
- 1.11 Until such time as the City of York Local Plan is adopted, there is a range of relevant planning policy applicable. The saved Yorkshire and Humber RSS policies referring to York’s Green Belt, including the associated proposals map sets the strategic context for the general extent of the Green Belt around York to six miles from the city centre. As part of the new Local Plan, City of York will be defining the detailed Green Belt boundary around the city for the first time.
- 1.12 The Council has six adopted Neighbourhood Plans which form part of the city’s development plan, none of which are in proximity or adjacent to Copmanthorpe. The adopted plans are:
- Upper and Nether Poppleton
 - Rufforth with Knapton
 - Earswick
 - Huntington
 - Strensall with Towthorpe
 - Minster Precinct
- 1.13 In the context of Neighbourhood Planning, this provides scope for the CNP to meet community aspirations for the Neighbourhood Area whilst also helping to deliver the Local Plan’s strategic objectives.

³ <https://www.legislation.gov.uk/ukxi/2017/1012/regulation/106/made>

⁴ <https://www.york.gov.uk/planning-policy/local-plan-examination-library-city-york-council-documents-2018-to-2022>

⁵ <https://www.york.gov.uk/planning-policy/local-plan-examination-library-city-york-council-documents-2023-onwards>

2. Methodology

Identifying European Sites and their qualifying features

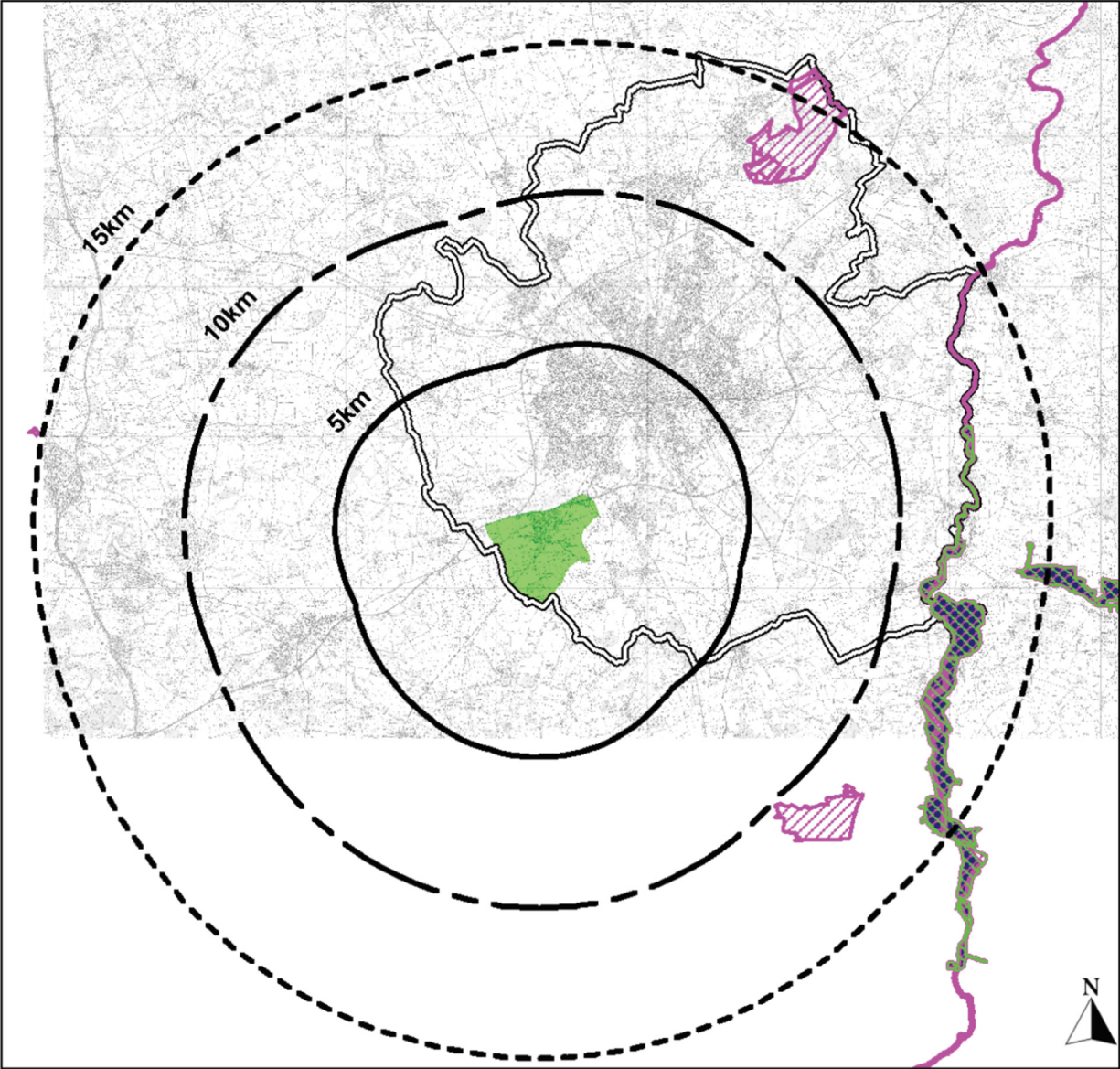
- 2.1. The first stage of preparing this Screening Report is identifying the European Designated Sites within the Neighbourhood Plan area or in close proximity to it. The following approach is consistent with other Screening Assessments undertaken for adopted Neighbourhood Plans.
- 2.2. This study considers potential effects on all European sites within 15km of the CYC boundary, together with any additional downstream sites that may be hydrologically linked to the plan's zone of influence. This is considered to be a suitably precautionary starting point for the assessment of the plan and is consistent with the draft HRA prepared for the emerging Local Plan.
- 2.3. European designated sites have been identified using data from Natural England as shown in Figure 1. This identifies the following sites for consideration within the assessment:

Site name	Designation	Closest Distance (km)
Strensall Common	SAC	7.2
River Derwent	SAC	12.3
Lower Derwent Valley	SAC, SPA, Ramsar	13.1
Skipwith Common	SAC	11
Humber Estuary	SAC, SPA, Ramsar	Approximately 37km downstream via River Ouse

- 2.4. Table1 sets out an outline of the qualifying features of the identified European Sites and a summary of impacts likely to affect the integrity of the protected site.

Figure 2: European Designated Sites within 15km of Copmanthorpe Neighbourhood Plan Area

Identifying European Designated Sites within 15km of Copmanthorpe Neighbourhood Plan Area



- City of York Council Boundary
- Special Protection Areas (SPAs)
- Special Areas of Conservation (SACs)
- Ramsar
- Potential Special Protection Area (pSPA)
- Possible Special Area of Conservation (pSAC)
- Copmanthorpe Parish Boundary

Source: Natural England Spatial Data Catalogue, 2017

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Table 1: Descriptions of European Designated Sites, their qualifying features and pressures/threats

Description (including summary of qualifying features)	Qualifying features and Conservation objectives	Pressures and threats (P/T)
Lower Derwent Valley SPA, SAC, Ramsar		
<p>The Lower Derwent Valley (LDV) supports the largest single expanse of wet, neutral (MG4) hay meadow in the UK. The site also hosts alluvial, alder woodland and internationally important populations of breeding and wintering waterbirds. The habitats are reliant in part on the maintenance of a favourable hydrological regime, including periodic inundation, whilst mobile species remain susceptible to development, public pressure and disturbance both within and on 'functionally-linked' land beyond the European site boundaries, sometimes several kilometres distant. In common with the River Derwent SAC, the qualifying features include otter which is similarly vulnerable.</p> <p>The Ramsar designation adds wetland invertebrates, passage birds, ruff and whimbrel on spring passage.</p> <p>Most of the site is privately owned and farmed with limited public access but all is managed for nature conservation with Natural England, as part of or alongside the LDV National Nature Reserve. Limited car parking and a formal arrangement of paths and hides effectively reduces the impact of existing recreational pressure although some 'informal' access or trespass occurs. Despite this, the site is relatively robust but large increases in visitors may be difficult to accommodate without adequate mitigation.</p> <p>The grassland and water bodies remain vulnerable to nutrient enrichment and so, for instance, the addition of inorganic nitrogen fertiliser by farmers is not allowed, but birds, mammals and the alluvial alder woodland are more resilient.</p> <p>There are five component SSSIs. Over 99% of both Derwent Ings SSSI and River Derwent SSSI are considered to be in 'favourable' or 'unfavourable recovering' condition. All of Newton Mask SSSI, Brighton Meadows SSSI and Melbourne and Thornton Ings SSSI are in favourable condition. All SSSIs carry a range of threats of varying severity.</p> <p>For the avoidance of doubt, the Lower Derwent Valley SAC and Ramsar site exclude the river (ie the River Derwent SAC); in contrast, it is included in the Lower Derwent Valley SPA. Given the overlap between the majority of Ramsar and SPA/SAC features, this HRA will restrict assessment to just the latter to reduce repetition. However, the 'unique' wetland invertebrate assemblage of the Ramsar site is not reflected in the corresponding SAC.</p> <p>This assemblage forms an integral component of the grassland, wetland and woodland complex of the Lower Derwent Valley and it is considered that the assessment of impacts on this group is fundamentally linked to those of its supporting habitats. Therefore, it is not assessed independently and instead, reflecting the ecology of the species and habitats, an approach based on the</p>	<p>SPA features</p> <p>A037 <i>Cygnus columbianus bewickii</i>; Bewick's swan (Non-breeding)</p> <p>A050 <i>Anas penelope</i>; Eurasian wigeon (Non-breeding)</p> <p>A052 <i>Anas crecca</i>; Eurasian teal (Non-breeding)</p> <p>A056 <i>Anas clypeata</i>; Northern shoveler (Breeding)</p> <p>A140 <i>Pluvialis apricaria</i>; European golden plover (Non-breeding)</p> <p>A151 <i>Philomachus pugnax</i>; Ruff (Non-breeding)</p> <p>Waterbird assemblage</p> <p>SPA objectives</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features; • The structure and function of the habitats of the qualifying features; 	<ol style="list-style-type: none"> 1. Hydrological changes (P); 2. Drainage (P); 3. Public access/Disturbance (T); 4. Invasive species (T); 5. Undergrazing (T); 6. Inappropriate scrub control (T); 7. Air pollution; impact of atmospheric nitrogen deposition (T); 8. Invasive species (Himalayan balsam) (T); 9. Invasive species (others) (T)

Table 1: Descriptions of European Designated Sites, their qualifying features and pressures/threats

Description (including summary of qualifying features)	Qualifying features and Conservation objectives	Pressures and threats (P/T)
<p>evaluation of just the SAC habitats is considered adequate to embrace this feature. This approach is given weight by the fact that as a Ramsar feature it does not benefit from bespoke conservation objectives nor is it considered in Natural England's SIP or its Supplementary Advice.</p>	<ul style="list-style-type: none"> • The supporting processes on which the habitats of the qualifying features rely; • The population of each of the qualifying features, and, • The distribution of the qualifying features within the site. <p><u>SAC features</u></p> <p>H6510. Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>)</p> <p>H91E0. Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>); Alder woodland on floodplains*</p> <p>S1355. <i>Lutra lutra</i>; Otter</p> <p><u>SAC objectives</u></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats and habitats of qualifying species; • The structure and function (including typical species) of qualifying natural habitats; 	

Table 1: Descriptions of European Designated Sites, their qualifying features and pressures/threats

Description (including summary of qualifying features)	Qualifying features and Conservation objectives	Pressures and threats (P/T)
	<ul style="list-style-type: none"> • The structure and function of the habitats of qualifying species; • The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely; • The populations of qualifying species, and, • The distribution of qualifying species within the site. 	
River Derwent SAC		
<p>The River Derwent represents one of the best examples in England of a lowland river stretching from Ryemouth in the north to its confluence with the Ouse in the south of the District – a small section lies within the Lower Derwent Valley National Nature Reserve.</p> <p>It supports diverse communities of flora and fauna, notably floating vegetation dominated by water crowfoot and, river lamprey, sea lamprey, bullhead and otter. The mobile species utilise extensive stretches of water throughout the catchment both upstream and downstream and beyond the boundaries of the SAC, and are dependent on the maintenance of a favourable hydrological conditions throughout their range. Consequently, they remain vulnerable to pollution events and the creation of even temporary physical or chemical barriers; lamprey migrate to the open sea via the Derwent, Ouse and Humber Estuary providing an intimate link between both sites.</p> <p>The Derwent is meso/eutrophic with a high nutrient load providing a degree of resilience against nutrient enrichment from air pollution, and whilst otter can also be considered resilient, the floating vegetation communities and fish populations may be vulnerable. Overall, the site can be considered relatively robust but vulnerable to changes in water quality (especially inputs of phosphate) from wastewater disposal, for instance.</p> <p>Limited car parking and a formal arrangement of footpaths reduces the impact of existing recreational pressure and whilst informal access along both riverbanks occurs, this is largely restricted to local residents and the simple width of the channel reduces the frequency and magnitude of direct impacts. So, whilst bullhead and lamprey can be considered immune to recreational pressure, otter and the floating vegetation community remain vulnerable.</p>	<p><u>SAC features</u></p> <p>H3260. Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation; Rivers with floating vegetation often dominated by water-crowfoot</p> <p>S1095. <i>Petromyzon marinus</i>; Sea lamprey</p> <p>S1099. <i>Lampetra fluviatilis</i>; River lamprey</p> <p>S1163. <i>Cottus gobio</i>; Bullhead</p> <p>S1355. <i>Lutra lutra</i>; Otter</p> <p><u>SAC objectives</u></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its</p>	<ol style="list-style-type: none"> 1. Physical modification (P/T); 2. Water pollution (T); 3. Invasive species (T); 4. Change in land management (T); 5. Water abstraction (T).

Table 1: Descriptions of European Designated Sites, their qualifying features and pressures/threats

Description (including summary of qualifying features)	Qualifying features and Conservation objectives	Pressures and threats (P/T)
<p>There are two component SSSIs – the River Derwent and Newton Mask. Natural England has assessed 99.2% of the River Derwent SSSI to be in ‘favourable’ or ‘unfavourable recovering’ condition; 0.4% is ‘unfavourable no change’ but the threat level is considered to be ‘high’ across a much wider area. All of Newton Mask SSSI is considered to be in favourable condition but carries a ‘medium’ threat level.</p> <p>For the avoidance of doubt, the Lower Derwent Valley Ramsar site encompasses a similar area to the SPA but excludes the River Derwent SAC.</p>	<p>Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats and habitats of qualifying species; • The structure and function (including typical species) of qualifying natural habitat; • The structure and function of the habitats of qualifying species; • The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely; • The populations of qualifying species, and, • The distribution of qualifying species within the site. 	
<p>Skipwith Common SAC</p> <p>Skipwith Common supports extensive areas of both wet and dry heath, with rush pasture, mire, reedbed, open water and woodland. The entire European site is managed as a National Nature Reserve by Natural England, grazed with cattle and sheep and has been dedicated as open access land under the Countryside and Rights of Way Act 2000. The number of visitors is thought to be increasing causing some erosion and disturbance of grazing animals, and the heathland could be vulnerable to nitrogen deposition, given the proximity of neighbouring roads. The site remains both fragile and vulnerable.</p> <p>In 2014, all of Skipwith Common SSSI was assessed by Natural England to be in ‘favourable’ or ‘unfavourable recovering’ condition. The corresponding SIP for the European site identifies, <i>inter alia</i>, a number of threats including public pressure, air pollution and drainage.</p>	<p><u>SAC features</u></p> <p>H4010. Northern Atlantic wet heaths with <i>Erica tetralix</i>; wet heathland with cross-leaved heath (or ‘wet heath’);</p> <p>H4030. European dry heaths (or ‘dry heath’).</p> <p><u>SAC objectives</u></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p>	<ol style="list-style-type: none"> 1. Public access /Disturbance (P); 2. Inappropriate scrub control (T); 3. Drainage (T); 4. Air pollution: impact of atmospheric nitrogen deposition (P).

Table 1: Descriptions of European Designated Sites, their qualifying features and pressures/threats

Description (including summary of qualifying features)	Qualifying features and Conservation objectives	Pressures and threats (P/T)
	<p>The extent and distribution of the qualifying natural habitats</p> <p>The structure and function (including typical species) of the qualifying natural habitats, and,</p> <p>The supporting processes on which the qualifying natural habitats rely</p>	
<p>Strensall Common SAC</p>		
<p>Strensall Common is managed by the Yorkshire Wildlife Trust and Ministry of Defence (MOD). The latter operate an extensive training facility and firing range within and adjacent to the European site. At over 570ha, it supports one of the largest areas of lowland heath in northern England. Extensive areas of both wet and dry heath occur and form a complex habitat mosaic with grassland, woodlands/scrub and ponds. Grazing, by sheep and cattle is the key management tool with stock typically present during summer and autumn. The heathland supports a diverse flora and fauna including such characteristic (and vulnerable) species as nightjar, woodlark, marsh gentian, pillwort, pond mud snail and dark bordered beauty moth, with Strensall Common representing the only site for this species in England. Footprint (2019) surveyed the status, extent and distribution of the main vegetation types and confirmed the importance of the management regime.</p> <p>Bisected by a road, it is vulnerable to nitrogen deposition from traffic. It is also subject to considerable recreational pressure from visitors, especially those with dogs although an established network of paths and periodic closures of part of the heath by the MOD (to facilitate training activities) can influence visitor behaviour. However, both the dry and wet heath habitats are particularly vulnerable to trampling, erosion and vandalism such as fire, fly-tipping, pollution and other activities associated with visitor pressure; there is existing evidence of unauthorised use of vehicles.</p> <p>Heathlands are also vulnerable to changes to the local hydrological regime and so construction nearby will require careful scrutiny.</p> <p>In 2011, all of Strensall Common SSSI was considered by Natural England to be in favourable or unfavourable-recovering condition. However, the corresponding SIP identifies a number of threats including, <i>inter alia</i>, public pressure and air pollution. The Supplementary Advice⁶ highlights the threat posed to the</p>	<p>SAC features</p> <p>H4010. Northern Atlantic wet heaths with <i>Erica tetralix</i>; wet heathland with cross-leaved heath;</p> <p>H4030. European dry heaths.</p> <p>SAC objectives</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <p>The extent and distribution of the qualifying natural habitats</p> <p>The structure and function (including typical species) of the qualifying natural habitats, and,</p> <p>The supporting processes on which the qualifying natural habitats rely</p>	<ol style="list-style-type: none"> 1. Public access/Disturbance (P); 2. Inappropriate scrub control (T); 3. Air pollution: impact of atmospheric nitrogen deposition (P).

⁶ Supplementary advice on conserving and restoring features. Natural England. Strensall Common SAC. 15 March 2019

Table 1: Descriptions of European Designated Sites, their qualifying features and pressures/threats

Description (including summary of qualifying features)	Qualifying features and Conservation objectives	Pressures and threats (P/T)
<p>maintenance of the grazing regime by the worrying and subsequent disturbance of livestock by dogs brought by visitors. It states (p15): <i>'any activity that threatened the viability of this management could pose a risk to heathland habitat'</i>.</p> <p>A 'Site Check, carried out in 2019 by Natural England raised concerns regarding the impact of recreational pressure (especially with dogs) on the condition of the heathland qualifying features.</p> <p>The MOD carries statutory obligations to have regard to conserving biodiversity under the NERC Act 2006⁷ and operates a Conservation Group that includes Natural England and the Trust amongst others, and is a 'Section 28g (or public) body' under the Wildlife and Countryside Act 1981 (as amended)⁸. This means it must take reasonable steps to conserve and enhance the special features of SSSIs. Although identified as 'open access' land, it is also subject to restrictions from byelaws.</p>		
Humber Estuary SAC, SPA & Ramsar		
<p>The Humber Estuary carries a high suspended sediment load which sustains a dynamic system of intertidal and subtidal mudflats, sandflats, saltmarsh and reedbeds extending to around 37,000ha. Other notable habitats include sand dunes, coastal lagoons and sub-tidal sandbanks. Qualifying (mobile) species include river and sea lamprey which migrate through the estuary to rivers in the Humber catchment.</p> <p>Importantly, the estuary regularly supports around 150,000 wintering and passage waterbirds. At high tide, large mixed flocks congregate in key roost sites often beyond the European site boundary due to the combined effects of extensive land claim, coastal squeeze and lack of grazing marsh and grassland on both banks of the estuary. In summer, the site supports important breeding populations of bittern, marsh harrier, avocet and little tern. All could be vulnerable to development or recreational pressure on functionally-linked land.</p> <p>Natural England has assessed that almost 99% of the underpinning Humber Estuary SSSI to be in 'favourable' or 'unfavourable recovering' condition. Only just over 1% of the site is assessed to be in 'unfavourable no change' or</p>	<p>SPA objectives</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features; • The structure and function of the habitats of the qualifying features; • The supporting processes on which the habitats of the qualifying features rely; 	<ol style="list-style-type: none"> 1. Water pollution (P/T); 2. Coastal squeeze (T); 3. Changes in species distributions (T); 4. Undergrazing (P); 5. Invasive species (T); 6. Natural changes to site conditions (P/T); 7. Public access/Disturbance (P); 8. Fisheries: Fish stocking; (P)

⁷ HM Government (2006) Natural Environment and Rural Economies Act <http://www.legislation.gov.uk/ukpga/2006/16/section/40>

⁸ HM Government (1981) Wildlife and Countryside Act

Table 1: Descriptions of European Designated Sites, their qualifying features and pressures/threats

Description (including summary of qualifying features)	Qualifying features and Conservation objectives	Pressures and threats (P/T)
<p>'unfavourable declining' condition. However, the 'threat' level is considered to be 'medium' or 'high' across a much wider area.</p> <p>The corresponding SIP for the European site identifies, <i>inter alia</i>, a number of threats including water pollution and public pressure.</p> <p>Whilst therefore potentially vulnerable to a wide range of factors, its size, considerable distance from any point sources within the Council area and relative robustness of many of the features make the likelihood of harmful effects remote.</p> <p>The one possible exception to this is the population of lamprey which migrate from the sea, via the Humber to breeding grounds in the River Derwent. Physical or chemical barriers to migration may cause harm and so factors like wastewater disposal can require careful scrutiny if not addressed effectively in policy terms. Similarly, grey seals could also be vulnerable to similar factors.</p> <p>Given the similarity between Ramsar and SPA/SAC features, this HRA will restrict assessment to just the latter to avoid repetition.</p>	<ul style="list-style-type: none"> • The population of each of the qualifying features; and, • The distribution of the qualifying features within the site. <p>SAC objectives</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats and habitats of qualifying species; • The structure and function (including typical species) of qualifying natural habitats; • The structure and function of the habitats of qualifying species; • The supporting processes on which qualifying natural habitats and habitats of qualifying species rely; • The populations of qualifying species; and, • The distribution of qualifying species within the site. 	<ol style="list-style-type: none"> 9. Fisheries: Commercial marine and estuarine (P); 10. Fisheries: Commercial marine and estuarine (T); 11. Direct and take from development (T); 12. Air pollution: impact of atmospheric nitrogen deposition (P); 13. Shooting/scaring (P); 14. Direct impact from third party (T); 15. Inappropriate scrub control (P)

- 2.5. The outputs of Table 1 allow this HRA to focus solely on a restricted number of possible impacts on five European sites: the Humber Estuary, Lower Derwent Valley, the River Derwent and both Skipwith and Strensall Commons. However, by drawing on the additional information provided in Table 2, the HRA is able to further refine the possible impacts to specific features, habitats and species. These, the key issues for the next, formal stage of this screening exercise are presented in Table 2.

Table 2: Summarised, initial list of European sites, features and potential effects

European site	Potential effects	Qualifying features at risk
Lower Derwent Valley SPA, SAC & Ramsar	(5) Impacts on mobile species	Breeding, non-breeding birds and otter
	(6) Impacts from recreational pressure	Lowland hay meadows, alluvial alder woodland Breeding, non-breeding birds and otter
	(7d) Impacts from air pollution	Lowland hay meadows, alluvial alder woodland
River Derwent SAC	(5) Impacts on mobile species	Otter, bullhead and lamprey
	(6) Impacts from recreational pressure	Otter Floating vegetation dominated by water crowfoot
	(7d) Impacts from air pollution	Floating vegetation dominated by water crowfoot River and sea lamprey, and bullhead
Skipwith Common SAC	(6) Impacts from recreational pressure	Wet heath and Dry heath
	(7d) Impacts from air pollution	Wet heath and Dry heath
Strensall Common SAC	(2) Impacts on wetland features	Wet heath and Dry heath
	(6) Impacts from recreational pressure	Wet heath and Dry heath
	(7d) Impacts from air pollution	Wet heath and Dry heath
Humber Estuary SAC, SPA, Ramsar	(5) Impacts on mobile species	River and sea lamprey, grey seal and both breeding and non-breeding birds
	(6) Impacts from recreational pressure	Breeding and non-breeding birds

- 2.6. The Humber Estuary Ramsar features are effectively duplicated by the SPA/SAC features. There is, therefore, no need for separate assessment and so further assessment in this HRA will focus entirely on the latter unless outcomes demand otherwise.
- 2.7. Whilst the same is true for the Lower Derwent Valley Ramsar and SPA bird communities, the relationship is not always so convenient. For instance, the wetland invertebrate assemblage in the Lower Derwent Valley Ramsar site is not represented in the corresponding SAC. However,

there are strong reasons suggest that that assessment of the SAC habitats would be adequate to provide the necessary scrutiny to safeguard this assemblage.

- 2.8. This assemblage forms an integral component of the grassland, wetland and woodland complex of the Lower Derwent Valley and it is considered that the assessment of impacts on this group is fundamentally linked to those of its supporting habitats. Therefore, the wetland invertebrate assemblage is not assessed independently and instead, reflecting the ecology of the species and habitats, an approach based on the evaluation of just the SPA and SAC features is considered adequate to safeguard this feature and deliver the necessary scrutiny of Ramsar sites as required by current Government policy. Therefore, there will be no specific reference to Ramsar features in the following screening exercise unless it is required for clarity.

Appraisal of Neighbourhood Plan

- 2.9. The next stage of the Screening is to understand the extent to which the Neighbourhood Plan could have a significant effect on the European Designated site. Specifically the assessment considers any potential effect that the policies may have on the 'qualifying features' and vulnerabilities of each European Designated Site.
- 2.10. All proposed policies and site allocations included within the emerging Copmanthorpe Neighbourhood Plan are therefore to be appraised against identified site's features and vulnerabilities. Cumulative effects have also been considered within of the assessment to understand whether the Neighbourhood Plan is likely to have significant effects in-combination with other plans or programs.
- 2.11. Section 2 of this HRA confirmed that the Neighbourhood Plan could not be excluded from scrutiny and identified which European sites and which features might be affected by it. Again, it is necessary to identify if there is a credible⁹ risk that a proposal in the Plan may lead to a likely significant effect on a European site (by undermining its conservation objectives) and so result in the need for an appropriate assessment. The term "credible" risk is used here to mean the presence of a risk or doubt regarding a likely significant effect that triggers the need for an appropriate assessment, following the caselaw referred to above. The HRA achieves this by evaluating the proposals in the plan against the following criteria to identify if they can be:
- **Screened out from further scrutiny** (because the individual policies or allocations are considered not 'likely to have a significant effect on a European site, either alone or in-combination with other plans and projects');
 - **Screened in for further scrutiny** (because the individual policies or allocations are considered 'likely to have a significant effect on a European site, either alone or in-combination with other plans and projects').
- 2.12. Mindful of the People Over Wind decision, section 6.3 of the Handbook describes a list of 'screening categories' (summarised in Table 4 below, itself adapted from an earlier edition of the Handbook) designed to evaluate both policy and site-based allocations to provide a rigorous and transparent approach to the screening process. Importantly, this process helps to provide a distinction between the *essential features and characteristics*, and *mitigation measures* of the Plan where relevant.

⁹ The term 'credible' is used in this context throughout the rest of this HRA

Table 4: Screening Categories¹⁰

Code	Category	Outcome
A	General statement of policy/general aspiration	Screened out
B	Policy listing general criteria for testing the acceptability/sustainability of the plan	Screened out
C	Proposal referred to but not proposed by the plan	Screened out
D	General plan-wide environmental protection/site safeguarding/threshold policies	Screened out
E	Policies or proposals which steer change in such a way as to protect European sites from adverse effects	Screened out
F	Policy that cannot lead to development or other change	Screened out
G	Policy or proposal that could not have any conceivable effect on a site	Screened out
H	Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in-combination with other aspects of this or other plans or projects)	Screened out
I	Policy or proposal which may have a likely significant effect on a site alone	Screened in
J	Policy or proposal with an effect on a site but unlikely to be significant alone, so need to check for likely significant effects in-combination	Check
K	Policy or proposal unlikely to have a significant effect either alone or in-combination (screened out after the in-combination test)	Check
L	Policy or proposal which might be likely to have a significant effect in-combination (screened in after the in-combination test)	Check
M	Bespoke area, site or case-specific policies intended to avoid or reduce harmful effects on a European site. Excluded from formal screening but re-considered in appropriate assessment	Screened out

¹⁰ From *The Habitats Regulations Assessment Handbook*, DTA Publications Limited (September 2013)

3. Screening Assessment

	Policy intention and commentary	Designated European Sites / Screening Category				
		Strensall	River Derwent	Lower Derwent Valley	Humber Estuary	Skipwith Common
CNP1: Housing Quantity	This policy supports the delivery of housing with Copmanthorpe with existing planning consent. It also permits windfall development of eight dwellings or less which can be integrated into the existing built up area of the village. SCREENED OUT	G	G	G	G	G
CNP2: Design Principles	This is a design policy reflecting the key design features set out in the Village Design Statement & Conservation Area designation. SCREENED OUT	B	B	B	B	B
CNP3: Affordable and Special Housing	This policy aims to reflect the requirements of the community in widening access to quality housing particularly for younger people, and for older people wishing to downsize, and who, in both cases, wish to continue living in Copmanthorpe. SCREENED OUT	B	B	B	B	B
CNP4: Local Occupancy	This policy will ensure a condition is placed on relevant planning permissions to restrict the occupation of such housing to local people. There is no likely significant effects as a result of this policy. SCREENED OUT	B	B	B	B	B
CNP5: Community Facilities and Organisations	This policy aims to make provision for additional green space for recreational and leisure uses and additional land for allotments. This policy encourages localised recreation which is positive in relation to minimising trips to alternative locations, which is of particular consideration in relation to Strensall Common SAC and Lower Derwent Valley SPA. SCREENED OUT	B	B	B	B	B
CNP6: Green Belt	This policy aims to protect the character and setting of the village. SCREENED OUT	B	B	B	B	B
CNP7: Green Infrastructure	Point 1 of this policy aims to safeguard and enhance green infrastructure. Further point 2	D	D	D	D	D

	<p>of this expects a net biodiversity gain to be delivered. Both of these points are positive in supporting flora and fauna.</p> <p>SCREENED OUT</p>					
CNP8: Parish Council Consultation	<p>This policy seeks to encourage applicants to engage with pre-application consultations with the Parish to be of benefit to the decision-making process and ensure that the overall views of Parish residents, and the intention of the Neighbourhood Plan, are taken fully into account.</p> <p>SCREENED OUT</p>	A	A	A	A	A
Tadcaster Road (Local Plan ref ST31)	<p>This site is an allocation in the Local Plan and has planning consent.</p> <p>This site is located within 2km of the Askham Bog SSSI which is not identified to have a functional link to European designated sites identified in this assessment.</p> <p>SCREENED OUT</p>	C	C	C	C	C
Moor Lane, Copmanthorpe (Local Plan ref H29)	<p>This is site allocation H29 in the Local Plan and has existing planning consent. It is located to the south of the village on Moor Lane.</p> <p>SCREENED OUT</p>	C	C	C	C	C

4. Cumulative effects of the Neighbourhood Plan

- 4.1. It is necessary to understand whether the Neighbourhood Plan is likely to have significant effects in-combination with other relevant plans or programs.
- 4.2. It is most likely that in-combination effects will occur with strategic plans in place in York and adjacent authorities. The table below provides an assessment of any likely significant effect of each Neighbourhood Plan policy on the European Designated Sites in-combination with the emerging City of York and Harrogate Local Plans.

Plan/ Programme	Comments	Impact
City of York Local Plan	<p>City of York Council has prepared a Local Plan for the City. This will set out the policies and site allocations to meet the city's needs over the next 20 years. The Local Plan was submitted to the Secretary of State for independent examination on 25th May 2018. City of York has been appointed 2 Planning Inspectors and is undergoing the Examination procedures. The plan includes policy on housing, employment, recreation, biodiversity and transport</p> <p>HRA has been produced to support the Local Plan including at Submission (2018), A revised version in October 2020 and an addendum regarding proposed Main Modifications (2023). The 2018/2020 versions take forward several issues to Appropriate Assessment (AA). The issues included:</p> <ul style="list-style-type: none"> • Recreational Pressure, change to the hydrological regime and the effect of air pollution on Strensall Common SAC; • Recreational pressure at the Lower Derwent Valley SPA and the impacts on the bird communities that also utilised land beyond the European site. <p>Appropriate Assessment concluded that the council could ascertain that there would be no adverse effect on the integrity of Strensall Common in terms of air pollution and effects in the aquatic environment without the need for further mitigation. Mitigation was required by way of removing site allocations (policies SS19/ allocations ST35 and H59) to mitigate potential significant effects from recreational pressure. A new policy was also suggested specifically for Strensall Common. Further minor modifications to clarify policy wording for other Strategic sites were also made to ensure recreational pressure issues were mitigated. There was no need for an in-combination assessment. Subsequently, the Local Plan has implemented all the recommendations set out in the HRA (2020); This is recognised in the HRA for the proposed Main Modifications (2023), consulted on in Spring 2023.</p> <p>The policies set out in the Neighbourhood Plan support emerging Local Plan policy at the neighbourhood level. The Green Infrastructure Policies support delivery of Green Infrastructure objectives. Housing sites within Policy CP1 are allocated in the local plan and have subsequently received planning consent.</p> <p>It is therefore concluded that there are not likely to be that significant effects to the European designated sites as a result of in-combination effects between the Local Plan and Neighbourhood Plan at this stage.</p>	NLSE

<p>Selby Local Plan</p>	<p>The parish of Copmanthorpe has an adjacent boundary with the North Yorkshire Council (formerly the Selby District Council).</p> <p>Selby District Council adopted their Core Strategy in October 2013. This set out their strategic ambitions, policies and strategic development sites. Several of the policies of the Submission Draft Core Strategy were identified at the screening stage to have the potential to affect Natura 2000 Sites. The designations potentially affected were:</p> <ul style="list-style-type: none"> • The Lower Derwent Valley SAC, Ramsar and SPA designations; • Skipworth Common SAC; and • The Humber Estuary SAC, Ramsar and SPA designations. <p>The potential impacts arising from the Core Strategy were identified as being:</p> <ul style="list-style-type: none"> • An increase in housing allocations situated within 5km which could lead to increased visitor pressure to countryside sites including those covered by the Natura 2000 designations listed above; • An increase in economic activities that would encourage tourism generally and hence have the potential to indirectly result in increased visitor pressure to countryside sites, including the • sites covered by the Natura 2000 designations listed above; and • If wind energy sites are encouraged (as per CP14) and are situated in areas where they could affect bird populations which are designated features of the above Natura 2000 sites, this may have the potential to result in adverse effects. <p>North Yorkshire Council are reviewing the adopted plan and progressing with a new plan for the former Selby District.</p> <p>Work on the draft HRA concluded that the strategy was unlikely to have significant adverse effects on the issues raised above as a result of policy amendments made and it was considered unlikely that a large increase in numbers would visit the sites from the new housing and economic growth. Further work was recommended in relation to visitor survey at the Lower Derwent Valley for the purposes of future monitoring of recreational pressure.</p> <p>It is concluded that there are not likely to be that significant effects to the European designated sites as a result of in- combination effects between the Selby Plan and the Neighbourhood Plan at this stage.</p>	<p>NLSE</p>
<p>Joint Minerals and Waste Local Plan</p>	<p>North Yorkshire County Council, City of York Council and the North York Moors National Park Authority prepared a Joint Minerals and Waste Plan to provide for minerals and waste developments up to 2030. This plan was adopted by the LPAs as follows:</p> <ul style="list-style-type: none"> • North Yorkshire Council on 16 February 2022 • North York Moors National Park Authority on 21 March 2022 • The City of York Council on 27 April 2022, <p>This plan covers the whole of the Neighbourhood Plan area. Aside from Development management policies, the JMWP also includes a site at Duttons Farm, Upper Poppleton for the extraction of clay (MJP52/ WJP05) and continuation of waste management at Harewood Whin, Rufforth. Neither allocation are within</p>	

	<p>Copmanthorpe. Where applicable the HRA sought mitigation through appropriate assessment which has been enacted in policies in the JMWP.</p> <p>It is concluded that there are not likely to be that significant effects to the European designated sites as a result of in- combination effects between the JMWP and the Neighbourhood Plan at this stage.</p>	
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5. Consultation

- 5.1. Consultation is an important part of the HRA process to ensure that the process is robust and supports the plan development process.
- 5.2. The initial HRA Screening Report was subject to consultation in February 2018. Natural England, together with the responses received through consultation is appended in Annex 3.
- 5.3. Natural England sought for the report to be updated to reflect the most recent City of York Local Plan HRA, which this report has sought to do.
- 5.4. Subject to no further issues arising, Natural England considered they were satisfied with the conclusions of the report.
- 5.5. Natural England will be further consulted as part of the Submission Consultation on the Copmanthorpe Neighbourhood Plan

6. Conclusion

- 6.1. The appraisal in section 3 of this report ascertains that none of the policies or site allocations in the Neighbourhood Plan are identified to have likely significant impacts on the European designated sites on the boundary or within 15km of the neighbourhood area.
- 6.2. The report also identifies that no cumulative effects as a result of this plan are identified.
- 6.3. In conclusion, it is not necessary to continue to the next stage of the HRA process, an Appropriate Assessment, as part of the Copmanthorpe Neighbourhood Plan preparation.

Annex 1: Copmanthorpe Neighbourhood Plan Planning Policies

Source: Copmanthorpe Neighbourhood Plan (July 2024)

Policy CNP1: HOUSING DEVELOPMENT

Subject to the removal of the relevant pieces of land from the Green Belt by City of York Council, as set out in the Submitted Local Plan, up to 250 dwellings will be permitted within the Parish of Copmanthorpe within the Neighbourhood Plan period and development of these will only be permitted on the two allocated sites set out in the City of York Local Plan sites ST31 and H59 (158 houses on the Tadcaster Road site and 92 houses on the Moor Lane site. In addition, small-scale development of eight units or less which can be satisfactorily integrated into the existing built-up area of the village will be supported subject to compliance with the other policies in this Plan and the Village Design Statement.

Any future development shall exclude the land to the west of the built-up area of the Village.

Policy CNP2: DESIGN PRINCIPLES

In order to maintain the identity and character of Copmanthorpe and to encourage good design in the provision of future housing, all development should have regard to the Copmanthorpe Village Design Statement and should be designed to make a positive contribution to the local character and distinctiveness of the area. In particular, new development should:

- a) Appear as an integral part of the landscape
- b) Ensure that the separation between Copmanthorpe and neighbouring villages is retained
- c) Retain and enhance all existing locally distinctive landscape features and
- d) Reflect the rural character of the village including important views, open spaces, footpaths and green corridors.

Reflecting key design features identified in the Village Design Statement and Conservation Area designation, all new development is expected to adhere to the following design principles:

1. Heritage – Development within, or affecting the setting of, the Copmanthorpe Conservation Area or listed buildings should respect the significance of the heritage asset and make a positive contribution to its conservation. In particular, the rural character of the Conservation Area around St Giles' Church and Low Green should be retained and enhanced.
2. Materials – These should complement local character and utilise design detailing including chimney stacks to gable ends where appropriate. The use of UPVC windows and doors within the Conservation Area should be avoided.
3. Layout – This should enhance existing site features with a range of plot sizes and house types. Walking and cycling should be encouraged via safe and direct connections to the rest of the village and wider area. Parking provision, bin and cycle storage should be incorporated discreetly into new development.

4. Height and massing – Variation in building line and roofline should be incorporated into design and monotonous repetition should be avoided. Development over two storeys in height, except where there are rooms within the roof space, should be avoided.
5. Developers shall set aside their standard design pattern books and create bespoke house types which are appropriate for inclusion within the village-scape of Copmanthorpe.

Policy CNP3: AFFORDABLE AND SPECIAL HOUSING

Affordable housing within Copmanthorpe (including social rented housing where there is a proven need) will be delivered in line with City of York Council policy and in accordance with Policy CNP 4 (Local Occupancy):

1. The target level of affordable and special housing per residential development scheme will be set in line with City of York Council policy from time to time in force
2. Housing needs for older people will be established in consultation with City of York Council
3. Where housing need is the same, preference will be given to local residents or those with a local connection as detailed in Policy CNP4 (Local Occupancy)

Policy CNP4: LOCAL OCCUPANCY

All affordable housing and older persons housing will be subject to local occupancy restrictions as follows:

1. A person or household who currently lives in the Parish and has done so for a continuous period of at least three years; or
2. A person or household who works in the Parish and has done so for a continuous period of at least three years; or
3. A person or household who has moved away but has strong established and continuous links with the Parish by reason of birth or long-term immediate family connections; or
4. A person or household who has an essential need through age or disability to live close to those who have lived in the Parish for at least three years
5. If, at any time, no person or household satisfies the above restrictions then they may be expanded to include a person or household who currently lives within the CYC local authority area and has done so for a continuous period of at least five years with essential need for property, for example for reasons of age, disability or illness
6. Beyond the provision of point 5, if no person or household can be identified then the restrictions may be further expanded to include North Yorkshire

Policy CNP5: COMMUNITY FACILITIES AND ORGANISATIONS

1. Where land becomes available, applications for change of use to sports and leisure uses and allotments will be supported.
2. Any off-site financial obligation on developers to provide public open space or recreation facilities will be ring-fenced to deliver further recreation facilities within Copmanthorpe.
3. Any Community Infrastructure Levy arising out of development in Copmanthorpe shall be ring fenced to deliver infrastructure benefits in Copmanthorpe.

Policy CNP6: GREEN BELT

The Green Belt land to the west of Copmanthorpe forms an important part of the special open and agricultural character of the setting of the nationally significant historic City of York. Together with the other Green Belt land surrounding the village it also plays an important role in maintaining the identity, character and setting of Copmanthorpe village itself. The general extent of the York Green Belt within Copmanthorpe Parish is shown on the RSS Key Diagram (Map XX below). The Green Belt will be defined through the Local Plan process. This policy shall apply to land included within the Green Belt boundary that is defined under an adopted Local Plan.

Decisions on whether to treat land as falling within the Green Belt for development management purposes in advance of the adoption of the Local Plan will be taken in accordance with the approach supported in the case of *Christopher Wedgewood v City of York Council* [2020] EWHC 780 (Admin), taking into account the RSS general extent of the Green Belt, the draft Local Plan (April 2005) (Map YY, below), the emerging Local Plan and site specific features in deciding whether land should be regarded as Green Belt until such a time as the Green Belt boundaries are adopted within the Local Plan.

Within the general extent of the Green Belt inappropriate development will not be supported except in very special circumstances. New buildings are regarded as inappropriate development and will not be supported other than in the circumstances identified in the National Planning Policy Framework.

Policy CNP7: GREEN INFRASTRUCTURE

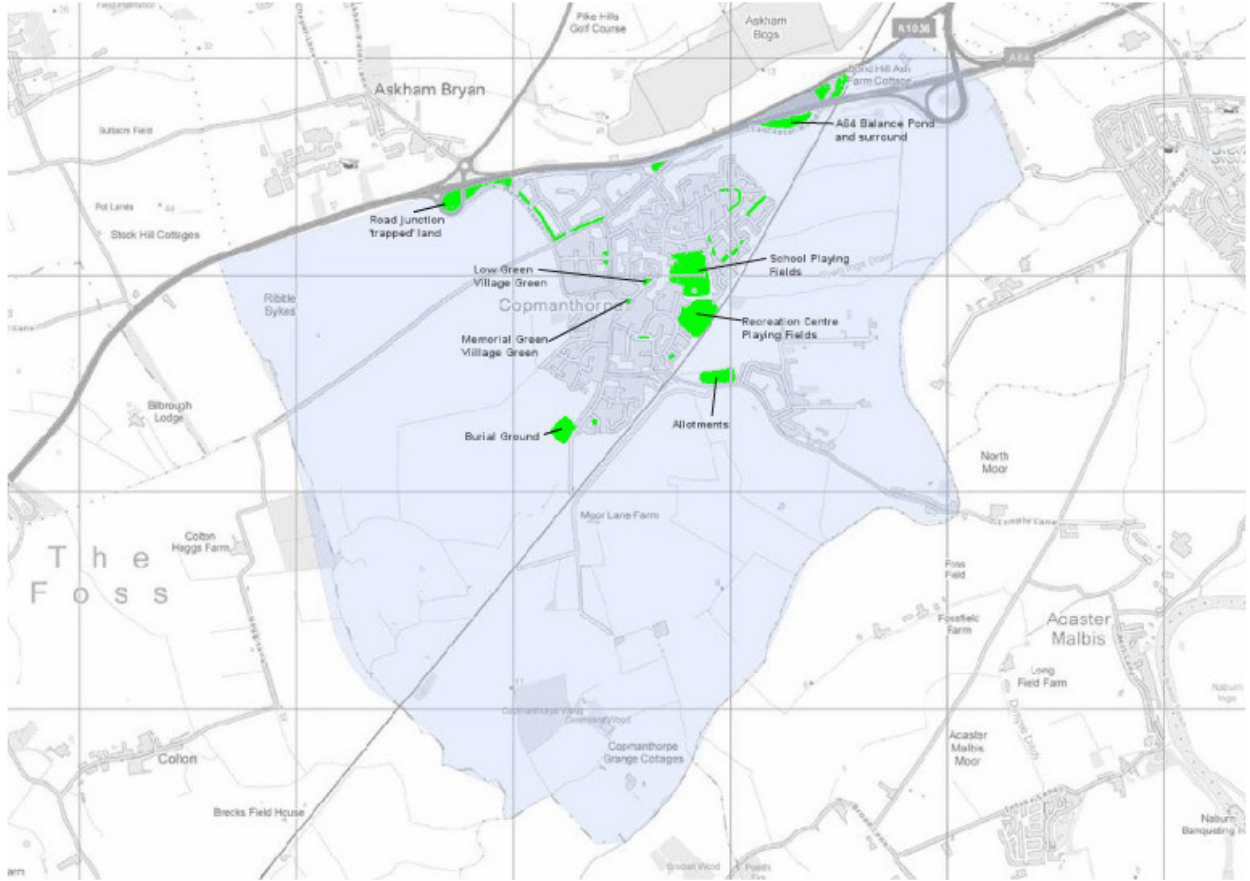
1. The green infrastructure within and surrounding Copmanthorpe (maps on pages 25, 26, 27) will be safeguarded and enhanced and will be expanded as the opportunity arises and connected to surrounding habitat. No development which harms, directly or indirectly, the integrity or quality of this infrastructure will be supported.
2. All development shall enhance and support the integrity and quality of this infrastructure.
3. Developers will be required to ensure that the development of ST31 does not result in damage to the notified features of Askham Bog Site of Special Scientific Interest (SSSI) and nature reserve through changes to the water levels at Askham Bog. In particular developers should consider potential impacts on water quality and water

levels at Askham Bog SSSI from water drainage into the SSSI as a consequence of the development of this site.

Policy CNP8: PARISH COUNCIL CONSULTATION

Planning applicants will be encouraged to engage in pre-application consultations with the Parish Council in order to minimise any site issues or planning problems that may arise and application should be accompanied by a statement confirming if consultation has taken place and setting out the comments of the Parish Council

Annex 2: Indication of Green Spaces within Copmanthorpe - Detailed in the Green Infrastructure Maps



Annex 3: Consultation Comments on draft HRA (February 2018)

Consultee Comment	CYC Comments
Natural England	Action
<p>Natural England welcomes the clear, thorough and well-presented Habitats Regulations Assessment report provided in support of the Copmanthorpe Neighbourhood Plan and is broadly satisfied with the conclusions reached. However, we note that you are referring to the 2014 draft of the York Local Plan and accompanying Habitats Regulations Assessment and advise that you consult City of York Council regarding whether the latest draft of the plan and Habitats Regulations Assessment has any additional consequences in terms of in-combination effects. Should no additional issues arise Natural England would be satisfied with the assessment</p>	<p>City of York Council have been asked to confirm that there are no additional consequences.</p>
City of York Council	
<p>City of York Council report that a court case in May has revealed two points which may change the way HRAs are carried out. As soon as they have worked out how this might change CYC's HRA they will get back to us with any necessary changes to ours</p>	<p>City of York Council subsequently provided an amended version of the HRA for consideration by Copmanthorpe Parish Council. The Parish Council have adopted this revised version (foregoing)</p>