



SCREENING OPINION ON:

**STRATEGIC ENVIRONMENTAL ASSESSMENT OF A
NEIGHBOURHOOD PLAN**

HABITAT REGULATIONS ASSESSMENT

**DRAFT DENSTONE
NEIGHBOURHOOD DEVELOPMENT PLAN**

June 2023

Introduction

1. Each Neighbourhood Development Plan (NP) must meet the Basic Conditions in accordance with para. 8 of Schedule 4B to the Town and Country Planning Act 1990 Act, which was inserted by the Localism Act 2011.¹ The local planning authority needs to be satisfied that the Basic Conditions are met. Amongst these Basic Conditions are the following:
 - a) The NP contributes to sustainable development;
 - b) The NP does not breach or is otherwise compatible with EU obligations – this includes the Strategic Environmental Assessment (SEA) Directive of 2001/42/EC; and
 - c) The making of the NP is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c) regulations 2007 (either alone or in combination with other plans or projects) (inserted by Regulation 32 of The Neighbourhood Planning (General) Regulations 2012).
2. Planning Practice Guidance (PPG) contains specific assistance on sustainability appraisal/SEA requirements for NPs. Whilst a Local Plan-style sustainability appraisal is not required, the PPG advises that, by producing a specific statement of how the Plan contributes to the achievement of sustainable development, the requirement under criterion (a) above would be demonstrated. A sustainability appraisal may be a useful way of producing this statement, the PPG advises.
3. An NP meets the criteria for an SEA as set out in The Environmental Assessment of Plans and Programmes Regulations 2004 if any of its proposals or policies could have ‘significant environmental effects’. Defining what are ‘significant environmental effects’ is not straightforward, but PPG offers the following examples:

“An SEA may be required, for example, where:

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

¹ The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (“these Regulations”) have modified a number of inspection requirements, set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (“the SEA Regulations”) that require responsible authorities (as defined in regulation 2) to make physical copies of documents available for inspection at their principal office. These Regulations make permanent some of the temporary measures introduced by the Environmental Assessment of Plans and Programmes (Coronavirus) (Amendment) Regulations 2020, with some further changes

4. Schedule 1 of the 2004 Regulations sets out criteria for determining the likely significance of effects on the environment. The criteria are:

1. The characteristics of plans and programmes, having regard, in particular, to:

(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,

(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,

(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,

(d) environmental problems relevant to the plan or programme,

(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

(a) the probability, duration, frequency and reversibility of the effects,

(b) the cumulative nature of the effects,

(c) the transboundary nature of the effects,

(d) the risks to human health or the environment (e.g. due to accidents),

(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),

(f) the value and vulnerability of the area likely to be affected due to:

(i) special natural characteristics or cultural heritage,

(ii) exceeded environmental quality standards or limit values,

(iii) intensive land-use, and

(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

- 5 It is the responsibility of the local authority to decide whether or not any of the proposals of the NP are significant enough for the Plan to require an SEA. The Parish Council submits their NP (and any subsequent version where there have been significant additions or deletions) to the local authority and

the latter produces this screening report, with a statement as to whether or not it considers that an SEA needs to be prepared.

- 6 The Council will also state whether it considers that there will be a significant effect on a nature conservation site of European significance, as in paragraph 1(c) above.
7. The Council has analysed the NP's policies and proposals against the criteria above, and the results are set out in the chart on the following pages:

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2. ASSESSMENT OF DENSTONE NEIGHBOURHOOD PLAN, DRAFT VERSION, PRE REGULATION 14, FOR SIGNIFICANT ENVIRONMENTAL EFFECTS..

| Planning Practice Guidance Criterion or Environmental Regulation Criterion | Significant Effect Identified | Comment |
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| <p>PPG Criteria (1) NP allocates sites for development</p> | <p>No</p> | <p>The previous Denstone Neighbourhood Plan was made (adopted) in 2017. This Plan contained a change to the settlement boundary of Denstone to allow for small pockets of development. At the time of the initial screening of that Plan the Borough identified the effect as potentially significant.</p> <p>“Policy SB1 extends the Denstone Settlement Boundary around three sites, effectively making site allocations. SB extension SB1(A) Land north of All Saints Church is for ‘around 6 dwellings’ and has provisos regarding the effect on the nearby listed buildings and flooding/drainage. SB1(B) Land off Oak Road for ‘around 5 dwellings’ has provisos for landscape design and impact on flooding/drainage. SB1(C) (D) land at Vinewood Farm OR Land at the Croft for ‘around 5 dwellings’ has provisos for flooding/drainage impact and access. The policy allocates small parcels of land by extending the SB around potential sites and although small could have an adverse environmental effect, either on their own or cumulatively together. For example development to the North of All Saints Church could have an effect on the nearby Listed Buildings.”</p> <p>Through the SEA/ HRA screening of that plan, neither the Borough Council, Environment Agency, Historic England or Natural England considered that they required further SEA or HRA beyond the screening work.</p> <p>Historic England said: “<i>The reason for this opinion is that, despite the Plan allocating sites for development which might normally trigger the need for SEA, Denstone has undertaken detailed historic</i></p> |

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| | | <p><i>characterisation as part of the Plan evidence base. This, in combination with a comprehensive range of protective policies in relation to the historic environment effectively, in our view, mitigates against any likely environmental impacts such that SEA does not appear to be justified in this instance.”</i></p> <p>In the currently assessed draft of the 2023 Denstone Neighbourhood Plan it is made clear that (pg.16) “ The Plan does not undertake housing site allocations, leaving this to the East Staffordshire adopted Local Plan. However, it does cater for the small-scale level of growth identified through policies DEN-SD1 Settlement Boundary and DEN-SD2 Housing. These set out sustainable locations for housing growth and include sufficient capacity to deliver the growth strategy in the Plan period.”</p> <p>Whilst policy DEN SD1 defines the settlement boundary for Denstone, and DEN SD2 supports housing in a number of locations, this is the boundary and locations already assessed, and adopted or made in existing development plan documents. These include the ESBC Local Plan (2015) and the Denstone Neighbourhood Development Plan (2017).</p> <p>SEA or HRA is triggered when there is a new or unassessed impact. In this case we do not believe that any new impact is proposed as part of this plan which has not already been assessed and found not to need a strategic environmental assessment relatively recently, therefore in regard to these policies a full SEA/ HRA will not be required.</p> |
| (2) The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan | No– heritage assets | Denstone does not have a conservation area although there are several listed buildings in the Parish, including Denstone College. Heritage Assets and landscape character are considered and protected in policies DEN SD4, (b and c) DEN PE1, DEN PE2 , DEN PE3. Local Built Heritage Assets have been listed (pg. 39 - 40) |

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| <p>(3) the NP may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan</p> | <p>No</p> | <p>No significant environmental effects have been identified that have not already been considered in the Local Plan Sustainability Appraisal</p> |
| <p>Environmental Regulation Criteria</p> <p><i>The characteristics of plans and programmes, having regard, in particular, to:</i></p> <p>(4) the degree to which the NP sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;</p> | <p>No</p> | <p>The Neighbourhood Plan does set a framework for projects in the parish, some of which will have environmental effects, but the scale of these is small, they are of a positive nature and their location is not sensitive.</p> |
| <p>(5) the degree to which the NP influences other plans and programmes including those in a hierarchy;</p> | <p>No</p> | <p>The Local Plan makes provision for Neighbourhood Plan to influence decision making in the Neighbourhood Plan area. The NP accords with National Planning Policy Framework.</p> |
| <p>(6) the relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development;</p> | <p>The NP is very relevant, but policies adequately promote sustainable development</p> | <p>The Denstone NP contributes to the achievement of sustainable development. Policy DEN SD1-4 seek to sustainably meet local housing and employment need in combination with the ESBC Local Plan. Policy PE1 sets out sustainable development criteria for judging the design of new development; Policy DEN PE3 are policies regarding natural environment and landscape. PE4 covers flooding and surface water. Policy DEN LG1 Promotes the retention of Local Green Space, including a new local green space, Denstone Meadow (LGS C pg. 49), which was not included in the 2017 Neighbourhood Plan. DEN ET1 'Local Energy' provides support for local energy schemes, where these do not introduce other sustainability harms. DEN ET2 seeks the development of balanced transport provision for development schemes, including support for pedestrian and cycle schemes wherever possible. These policies contribute to and improve the integration of environmental considerations in the existing development plan and as part of planning decision making, should the Plan be made (adopted).</p> |

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| (7) environmental problems relevant to the NP; | The NP recognises the environmental problems and proposes policies to mitigate them when development is proposed. | The Denstone NP recognises the following environmental problems: risk of flooding and drainage problems DEN PE4; accommodation of the strategic housing allocation, (Policy DEN SD 1-4) ensuring the retention of the existing character of the village; and not exacerbating the flood risk within those parts of the NP area affected by this problem, with the incorporation of sustainable drainage systems for all proposals where feasible. (PE4 pg. 42) |
| (8) the relevance of the NP for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection). | No | The NP is in general conformity with the Waste Management and Minerals Local Plans produced by Staffordshire County Council and with the Water Framework Directive, having incorporated the views of the Environment Agency on this as expressed in response to the adopted Local Plan. |
| <i>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</i> (9) the probability, duration, frequency and reversibility of the effects; | No | It is unlikely that, as a result of the policies within the Neighbourhood Plan, that there will be irreversible, long term or frequently occurring environmental impacts. |
| (10) the cumulative nature of the effects; | No | A marginal increase in carbon emissions as a result of additional vehicle movements from new developments is cumulative on the existing levels of emissions. However, there is no evidence that emissions levels are at a significant and critical level locally. |
| (11) the trans boundary nature of the effect; | No | No trans boundary effects have been identified. Additional car movements from the small number of homes proposed are unlikely to create significant effects beyond the parish, and drainage effects of new development into the Churnet are controlled by policy PE4, so that effects downstream outside the Parish should not occur. |
| (12) the risks to human health or the environment (e.g. due to accidents); | No | None of the policies will create hazards to human health. Health and safety standards on developments arising within the plan areas will be governed by relevant statutory codes such as the Construction (Design and Management) Regulations 2007. |

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| (13) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected); | Yes | The population covered by these policies is relatively small as it is for one parish. (1,200 in 2021 pg.12) |
| (14) the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage, (ii) exceeded environmental quality standards or limit values, (iii) intensive land-use | No | Local built heritage assets have been protected by Policy DEN PE2. The only environmental quality standard likely to be exceeded is that relating to flood risk. The NP addresses this matter (Policy DEN PE3 and 4) with regard to new development not exacerbating the problem, or being at risk itself. There is no evidence that air quality levels are at a significant and critical level locally. No intensive uses are proposed by the NP, and there are no known existing or proposed intensive uses in the parish. |
| (15) the effects on areas or landscapes which have a recognised national, Community or international protection status; | No | The Parish does not contain any Sites of Special Scientific Interest. The parish lies outside the 15 km hinterland around the Cannock Chase SAC. |
| Additional specific environmental criterion from Basic Conditions: (16) The NP would have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010. 'Appropriate' Habitat Regulations Assessment required? | No | None |

7. The Government's PPG advises that the local planning authority should consult the statutory consultation bodies. The three statutory consultation bodies whose responsibilities cover the environmental considerations of the Regulations (Environment Agency, Natural England and Historic England) were consulted between May and June of 2023. They commented as follows:

Historic England

“On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required. “

Environment Agency

“We would concur with the conclusions and that the Plan is unlikely to have significant environmental effects. We would offer the following brief comments on the document in relation to matters within our remit.

Based on our indicative Flood Map for Planning, it appears that much of the neighbourhood area lies within Flood Zone 1, the low-risk Zone. It is noted that through End 2 Denstone Parish is the River Churnet (Main River) where parts of the Parish lie on the edges of or within Flood Zones 2 and 3, the medium and high risk Zones respectively.

To the north and east of the Parish lie the Nitrate Vulnerable Zone (England) Alton Existing - Groundwater and Source Protection Zone, Zone 3. Whilst the Screening Report does identify flood risk as a consideration with regards environmental quality standards (Item 14 of the table of result) any impacts should be controlled by the appropriate Policy with the Plan to ensure new development within the Parish does not exacerbate the problem or being at risk itself. Applying a Sequential Approach all development should be located on land at the lower risk of flooding.

FUTURE CONSIDERATIONS: We would only make substantive further comments on the Plan if you were seeking to allocate sites in Flood Zones 3 and 2 (the latter being used as the 1% climate change extent perhaps). Where an ‘ordinary watercourse’ is present this would need to be assessed and demonstrated as part of the evidence base within a Strategic Flood Risk Assessment (SFRA) i.e., to inform the sequential testing of sites and appropriate / safe development. It is also important to demonstrate that development is not impacted by flooding and that there is sufficient wastewater infrastructure in place to accommodate growth for the duration of the plan period.

Policy: We do not offer detailed bespoke advice on policy but advise you ensure conformity with the adopted local plan and refer to guidance within our area neighbourhood plan 'proforma guidance' (latest copy attached)..."

8. As a result of the above, East Staffordshire Borough Council believes that the Neighbourhood Plan would not have significant environmental effects and, as a result, a Strategic Environmental Assessment of the Plan will not be required.

Habitat Regulations Assessment

9. An 'appropriate assessment' is required if a policy or plan is likely to have a 'significant effect' on a Special Area of Conservation (SAC) or Special Protection Area (SPA) or Ramsar site.

10. Natural England were consulted on this screening opinion through May and June 2023 and responded to this consultation on 15/6/23:

"...Natural England has reviewed the draft SEA and Screening HRA report. Regarding the HRA, we do not anticipate that the neighbourhood plan will have an impact on European protected sites. No further work is needed in respect of the HRA..."

11. East Staffordshire Borough Council concludes that a Habitat Regulation Assessment would not need to be carried out as it is not considered that any of the development proposed in the Plan would be likely to have an adverse effect on the nearest European sites (SAC, SPA or Ramsar) due to a combination of the distance from the nearest European site and the relatively small size of any new development resultant from the Neighbourhood Development Plan; none of which is allocated by the plan, and all of which was also assessed as not requiring an HRA when the change to the settlement boundary was made as part of the 2017 plan.