



## **SCREENING OPINION**

### **STRATEGIC ENVIRONMENTAL ASSESSMENT OF A NEIGHBOURHOOD PLAN**

### **HORNINGLOW AND ETON NEIGHBOURHOOD DEVELOPMENT PLAN – Revised Plan 2019**

**February 2019**

## **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. 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.”

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 or revised NP to the local authority and the latter produces this screening report.

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.

8. The 'Made' Neighbourhood Plan SEA Screening concluded that a SEA was not required. The Council has analysed the early draft of the revised NP's policy against the criteria above, and the results are set out in the chart below.

## **2. ASSESSMENT OF REVISED HORNINGLEW AND ETON NEIGHBOURHOOD PLAN FOR SIGNIFICANT ENVIRONMENTAL EFFECTS**

| PPG Criterion or Environmental Regulation Criterion  | Significant Effect Identified | Comment  |
|--|-------------------------------|--|
| <b>PPG Criteria</b>  |                               |  |
| (1) NP allocates sites for development   | No                            | The Review does not allocate additional sites.   |
| (2) The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan   | No                            | The heritage assets within the NP area are identified in Appendix III of the Neighbourhood plan and policy HE11 will continue to cover the protection of the local built heritage assets. The Review will not alter this position.   |
| (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                          | No                            | The Sustainability Appraisal of the Local Plan comprehensively deals with all proposals that do have significant environmental effects. The Horninglow and Eton NP is in conformity with the Local Plan and its policies further promote environmental protection, therefore there are no significant environmental impacts which haven't been considered. The Review does not give rise to any significant environmental effects that have not already been considered.   |
| <b>Environmental Regulation Criteria</b>   |                               |  |
| <i>The characteristics of plans and programmes, having regard, in particular, to:</i>  |                               |  |
| (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; | No                            | <p>The NP includes 8 actions which involve the parish council work with East Staffordshire Borough Council and/or Staffordshire County Council on the following matters;</p> <ul style="list-style-type: none"> <li>• Protecting local community facilities.</li> <li>• Securing developer contributions for traffic management improvements.</li> <li>• The possible use of parking permits.</li> <li>• Ensuring highway and junction improvements are done through developer contributions.</li> <li>• Identifying possible sources of funding for environmental improvements.</li> </ul> <p>These actions will not cause any environmentally negative impacts and they strive to improve the environment of Horninglow and Eton's plan area.</p> <p>The Review does not include any additional actions.</p> |

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| (5) the degree to which the NP influences other plans and programmes including those in a hierarchy;   | No | The Local Plan makes provision for Neighbourhood Plan to influence decision making in the Neighbourhood Plan area.  |
| (6) the relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development;                            | No | The Horninglow and Eton NP contributes to the achievement of sustainable development.   |
| (7) environmental problems relevant to the NP;   | No | The Review focuses on parking provision in Horninglow and Eton NP, recognising unsustainable transport methods as the main environmental problem within the plan area.  |
| (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 Review is in general conformity with the Local Plan, which in turn is in general conformity with other environmental legislation.  |
| <i>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</i>   | No | It is unlikely that, as a result of the policies within the Neighbourhood Plan Review, that there will be irreversible environmental impacts.   |
| (9) the probability, duration, frequency and reversibility of the effects;   |    |   |
| (10) the cumulative nature of the effects;   | No | The revised policy and other planning policies taken together may have minimal negative effects, e.g. a marginal increase in carbon emissions as a result of slower vehicles in lower gears navigating traffic calming measures. However, the cumulative beneficial impacts of other policies designed to enhance the natural and built environment, such as safeguarding and improvement of local green spaces and ensuring new developments have sufficient onsite parking provision is likely to have a moderate to significant beneficial impact that outweighs these considerations. |
| (11) the transboundary nature of the effect;   | No | None of the policies will have trans-boundary environmental impacts and development in adjoining areas has been considered and policies relating to highways attempt to mitigate these.   |

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| (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. |
| (13) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);  | No | Both the magnitude and population covered by these policies are relatively small as it is for one parish. The parish is predominantly urban and the policies aim to protect any local green spaces for the benefits of the local population.        |
| (14) the value and vulnerability of the area likely to be affected due to:<br><br>(i) special natural characteristics or cultural heritage,<br><br>(ii) exceeded environmental quality standards or limit values,<br><br>(iii) intensive land-use | No | Local built heritage assets are referenced in the plan and there is a policy relating to local green space. No intensive land uses are proposed.  |
| (15) the effects on areas or landscapes which have a recognised national, Community or international protection status;   | No | The Revised policy will have minimal impacts on the landscape. There are no areas with recognised protection status of national level and above.  |
| <b>Additional specific environmental criterion from Basic Conditions:</b><br>(16) The NP would have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010                              | No | There are no European sites within the Neighbourhood Plan Area.   |

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) will be consulted on this document. This SEA Screening Opinion has been updated following the proposed change to the Neighbourhood Plan.

**9. As a result of the above, East Staffordshire Borough Council believes that the Revised 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**

10. 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. The Borough Council is not aware of any such site within a critical distance of the Parish.

11. East Staffordshire Borough Council therefore concludes that a Habitat Regulation Assessment **would not** need to be carried out as it is not considered to be a large enough plan area or involve any policies which are likely to lead to a level of development significant enough to have a negative impact on a SAC, SPA or Ramsar site. The Habitat Regulations Assessment for the Local Plan has taken into account the impact on all relevant protected sites and the Plan's policies reflect the actions that will need to be taken.