



SCREENING OPINION

**STRATEGIC ENVIRONMENTAL ASSESSMENT OF A
NEIGHBOURHOOD PLAN**

HABITAT REGULATIONS ASSESSMENT

**STRETTON NEIGHBOURHOOD
DEVELOPMENT PLAN**

June 2014

Updated August 2015 for Re-Submitted Plan

Introduction

1. Each Neighbourhood Development Plan (NP) must meet the Basic Conditions according to 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, including 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. (Ref ID: 11-026-20140306)

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.”

(Ref ID: 11-027-20140306)

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.

4. 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.

5. 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.

6. The Council has analysed the NP's policies and proposals against the criteria above, and the results are set out in the chart below.

Text in Red Refers to Re-Submission Version

August 2015

2. ASSESSMENT OF STRETTON NEIGHBOURHOOD PLAN, PRE- (RE-) SUBMISSION CONSULTATION VERSION, FOR SIGNIFICANT ENVIRONMENTAL EFFECTS

PPG Criterion or Environmental Regulation Criterion	Significant Effect Identified	Comment
<p>PPG Criteria</p> <p>(1) NP allocates sites for development</p>	No	<p>The Stretton NP technically does not allocate any sites, although the wording of Policy S11 uses the word ‘allocated’. This Policy does not appear in the Re-submission Version. Two sites are identified as possibilities for burial grounds, but both are subject to feasibility studies, including suitability of ground conditions. Nature conservation interests as well as drainage and access would need to be assessed before selection of an allocated site, and, indeed, would be required if a planning application for such a use was received by the LPA. The effect would be considerably less than for built development, SEE NOTE AT END OF THIS REPORT – APPENDIX 1 The Examiner at First Submission accepted the changes proposed by ESBC (as set out in Appendix 1 below), and so have the Parish Council. Consequently, in the Re-submission version there are no allocations in new Policy S12.</p>
<p>(2) The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan</p>	No	<p>There are sensitive natural or heritage assets in the neighbourhood area, but none of the proposals or policies will affect these – the NP identifies these with a view to their protection.</p>
<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>	No	<p>The SA of the Local Plan comprehensively deals with proposals that do have significant environmental effects. The Stretton NP aligns itself with the Local Plan, but in addition its proposals do not have significant environmental effects. Policies are aimed to maximise environmental protection.</p>
<p>Environmental Regulation Criteria</p> <p><i>The characteristics of NPs, having regard, in particular, to:</i></p> <p>(4) the degree to which the NP sets a framework for projects and other activities,</p>	No	<p>The NP does set a framework for small-scale, local projects in Stretton, but none are of a size or nature that would cause adverse</p>

either with regard to the location, nature, size and operating conditions or by allocating resources;		environmental impact. Policies are aimed to maximise environmental protection. Policies to control changes of use would restrict the range of possible uses that some premises/sites might be permitted to change to, but the effect would be minimal and the geographical impact very limited.
(5) the degree to which the NP influences other plans and programmes including those in a hierarchy;	No	The NP will be the pre-eminent planning document in Stretton once it has been made, but it has been prepared in close liaison with the Local Plan and so the two Plans have influenced each other.
(6) the relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development;	No	Sustainability is at the core of the policies in the NP, protecting the environment and encouraging commercial and community facilities in sustainable locations, such as the village centre. Failure to meet this criterion would mean that one of the Basic Conditions could not be met, and the Plan would not be able to proceed further.
(7) environmental problems relevant to the NP;	No	The NP recognises the most pressing environmental problems as being flood risk and increased traffic levels from new developments in the area, and proposes policies to ameliorate these. The issues are both considered in the Local Plan and its accompanying Sustainability Appraisal.
(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 Local Plan, which in turn is in general conformity with the Waste Management and Minerals Local Plans produced by the relevant authority – Staffordshire County Council. The Local Plan is in conformity with the Water Framework Directive, having incorporated the views of the Environment Agency. The responsibilities of the local planning authority under the WFD were assessed in the Council's Sustainability Appraisal for the 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	All proposals are intended to have beneficial environmental effects. Most development proposals (e.g. signage) are reversible. The exception would be the burial ground proposals, but here the probability of negative effects would be low with the safeguards proposed (the

		compliance with EA's guidelines, for example). See addition under Criterion (1) above .
(10) the cumulative nature of the effects;	No	If all proposals and policies are implemented, their cumulative effects, whilst beneficial to the environment, are unlikely to be great.
(11) the trans-boundary nature of the effect;	No	None of the proposals will have trans-boundary effects. Impacts on Stretton from developments in adjoining settlements have been taken into consideration, and the policies and proposals on traffic and highways have been drafted in response to these impacts.
(12) the risks to human health or the environment (e.g. due to accidents);	No	None of the proposals or policies is envisaged to create hazards to human health. Any risks arising from the creation of the burial ground will be identified as part of assessing the feasibility of sites, and appropriate mitigation measures incorporated into any works.
(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 and proposals are relatively small – one parish. Much of the neighbourhood area is urban in character, and policies aim to protect open space, so that the local population benefits.
(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	The existing green spaces, the canal, identified buildings of heritage importance and wildlife spaces are all identified as being at the forefront of the community's priorities for protection. Air quality has not been identified as an issue in the area, and policies accord with those in national guidance and in the Local Plan with regard to flood risk mitigation. The Plan seeks to preserve the current balance between the built-up area and the open areas of the Parish.
(15) the effects on areas or landscapes which have a recognised national, Community or international protection status;	No	Taken together, policies in the NP are likely to have a minimal impact on landscapes. Proposals to safeguard and improve green spaces are likely to have beneficial impacts. There are no landscapes with recognised protection status of national level and above.
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	No	There are none within the Parish. The Parish lies outside the 15km zone around the Cannock Chase Special Area of Conservation (SAC).

Regulations 2010)		
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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 English Heritage have been consulted. They commented as follows:

Environment Agency:

We have no comments to make to the EA Screening Report, we do not comment on screening.

Natural England:

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004. Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance at:

<http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/does-a-neighbourhood-plan-require-a-sustainability-appraisal/>

Natural England welcomes the production of an SEA Screening Report and is satisfied that the Local Planning Authorities conclusion that an SEA is not required is appropriate.

English Heritage:

I agree with the conclusions of the Screening Report;

8. As a result of the above, East Staffordshire Borough Council believes that the above 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. The main site which may be affected by development in East Staffordshire is the Cannock Chase SAC.

10. East Staffordshire Borough Council 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.

APPENDIX 1

Additional Note on Need for Strategic Environmental Assessment

A1. The Parish Council has received an objection to the Draft Consultation Stretton Neighbourhood Plan from Gladman Developments Ltd, which *inter alia* believes an SEA is required because, in their view,

- (i) Policy S1 has the effect of not permitting any further housing in the Parish, by protecting certain greenfield areas from inappropriate development; and
- (ii) Policy S11 allocates land for development for a burial ground.

A2. In response, the Borough Council makes the following comments:

A3. (i) Policy S1 is not proposing development. It is protecting the land identified “from inappropriate new development which impacts adversely on the openness of the settlement’s surroundings” – i.e not all development is excluded, and the policy is in line with the Local Plan policies which have been subject to SA. Not all greenfield sites adjacent to the built-up area are included in the protected area, shown on Map 3, and brownfield infill is still permitted so it is incorrect to say that Policy S1 not permitting any further housing in the Parish.

A4. Since Policy S1 is not allocating land for development, it fails to meet the first criterion in PPG (reproduced at para 3 above). Criterion 2 does not apply – since there are no proposals that would affect sensitive natural or heritage assets. Criterion 3 does not apply either – there are no significant environmental effects in maintaining the status quo. In the Screening Report above, the NP is tested against each of the criteria in Schedule 1 of the 2004 Regulations.

A5. (ii) Policy S11. Here the Parish Council are proposing a Burial Ground, but despite the wording of the policy it is clear that the Parish Council are not allocating it. Perhaps more work could have been done to prove the feasibility of either site put forward. It is recommended that Policy S11 be re-drafted in a similar way to Anslow NP’s Policy CF2, also on a Burial Ground site, as amended by the Examiner, who did not require an SEA of the Anslow NP. The Examiner recognised that there was a need to encourage the provision of additional burial space in the Parish, but turned this allocation policy into an ‘aspirational policy’ – see below.

A6. The possible sites which are subject to further investigation could still be mentioned in the supporting text, but they would be removed from the Policies Map and policy text itself.

Anslow NP

Version as submitted by Parish Council:

CF2 - Burial Ground Provision (2)

The provision of additional burial space will be encouraged in the following locations:

- **Adjoining the existing Holy Trinity Church burial ground**
- **Remote from, but linked to Holy Trinity Church burial ground**
- **A woodland burial site associated with an NF site.**

This need has been identified through consultation and specifically comments made by the local vicar. It is linked to social cohesion and quality of life, taking into account the distance that people need to travel to cemeteries and burial grounds (e.g. Stapenhill). Only a small area is needed, but a larger scale of provision would also be acceptable.

Referendum version, incorporating Examiner's changes:

CF2 - Burial Ground Provision (2)

The provision of additional burial space will be encouraged.

- 5.6 This need has been identified through consultation and specifically comments made by the local vicar. It is linked to social cohesion and quality of life, taking into account the distance that people need to travel to cemeteries and burial grounds (e.g. Stapenhill). Only a small area is needed, but a larger scale of provision would also be acceptable. A site adjoining the existing Holy Trinity Church is preferred, if this is not feasible, other options such as a site remote from, but linked to Holy Trinity Church or woodland burial site may also be considered.

A7. If such a change is made - that is, the policy is turned from an allocation into a "search area/ general requirement" policy, the Council believes that the policy would not require an SEA as it would not be "allocating sites for development".