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**Project Title:** Stapenhill Neighbourhood Development Plan (SNDP)

**Date:** March 2016

**Purpose:** To set out how the plan meets the requirement of the Environmental Assessment of Plans and Programmes Regulations 2004

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1. This statement is designed to set out how the Stapenhill Neighbourhood Development Plan (SNDP) meets the requirements of the *Environmental Assessment of Plans and Programmes Regulations 2004*. The regulations require any plan or policy to determine whether it is likely to have significant of environmental effects, and as necessary mitigate for or avoid, these effects.
2. Regulation 9(1) requires the responsible authority - in this case the Parish Council who have taken on the role of the Neighbourhood Forum as described under regulation 8 of the *Neighbourhood Planning (General) Regulations 2012* - to determine whether or not the plan or programme is likely to have significant environmental effects.
3. In preparing their response, the Parish Council have been assisted by East Staffordshire Borough Council (ESBC). ESBC undertook to prepare and consult upon a screening opinion in regard of a Strategic Environmental Assessment (SEA) for the SNDP. This was finalised in March 2016, is appended to this statement for completeness and is based on the guidance set out in the National Planning Policy Guidance (PPG). The Plan has also been subjected to a wider Sustainability Appraisal undertaken by the Parish Council and their consultants.
4. Regulation 6 of the Environmental Assessments Regulations (2014), states that an environmental assessment need not be carried out for a plan or programme which determines the use of a small area of land at a local level unless it is determined under regulation 9(1) that the plan or programme is likely to have significant environmental effects.
5. For clarity, and in the avoidance of doubt, a previous version of the draft SNDP included the allocation of a piece of land used as allotments off Saxon Street. This was considered by many parties, including ESBC, to require SEA under the tests set by the regulations outlined above. During subsequent consultation exercises this site has been removed from the plan and as such it is no longer considered necessary to undertake an SEA.

6. It is determined, by the Parish Council, that the SNDP does not require Environmental Assessment under regulation 9(1). The following paragraphs demonstrate why this is considered to be the case.
  - a. The plan is considered to be in complete accordance with the strategic policies of the adopted East Staffordshire Local Plan (2015) and the National Planning Policy Framework (2012);
  - b. That the scale of any anticipated change and the area which the plan covers are considered to be minimal and that any changes are unlikely to be irreversible and in many cases would impact positively on the local population.
  
7. In reaching these broad determinations, the following key issues have been considered:
  - a. The Borough Council have prepared and consulted upon a SEA screening opinion based on the draft Neighbourhood Plan (prepared in accordance with regulation 14 of the *Neighbourhood Planning (General) Regulations 2012*) which confirmed that the Neighbourhood Plan would not have significant environmental effects;
  - b. A detailed response to the criterion within the Planning Policy Guidance (PPG) is set out within chapter 2 of the accompanying SEA Screening Report, which assess the potential environmental impacts of the two allocated sites, finding an SEA was not required;
  - c. This position was confirmed and agreed by the statutory consultation bodies (Historic England, The Environment Agency and Natural England) as set out in section 7 of the appended SEA Screening Report;
  - d. The two small allocated sites that remain in the submitted version of the Plan (under regulation 15 of the *Neighbourhood Planning (General) Regulations 2012*) following consultation have been subjected to detailed options assessments as part of the accompanying Sustainability Appraisal in order to ensure that there are no residual environmental effects;
  - e. It is considered that other plans and policies at the national and Borough level, and those which are included within the remainder of the SNDP, are sufficient in all regards to mitigate any possible residual negative environmental effects from the two small allocations.

8. As a result it is concluded that no SEA is required under the provisions of regulation 9(1) of the 2004 Regulations. This statement is considered to satisfy the requirements of Regulation 9(3) and states the reasons for this determination.

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BP: 29 March 2016



**SCREENING OPINION ON:**

**STRATEGIC ENVIRONMENTAL ASSESSMENT**

**HABITAT REGULATIONS ASSESSMENT**

**STAPENHILL NEIGHBOURHOOD**

**DEVELOPMENT PLAN**

**June 2015**

**Revised Version December 2015**

**Final version March 2016**

## **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. (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 planning 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, and whether or not a Habitat Regulations Assessment (HRA) will be required.

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.

## 2. ASSESSMENT OF STAPENHILL NEIGHBOURHOOD PLAN, SECTION 14 CONSULTATION VERSION, FOR SIGNIFICANT ENVIRONMENTAL EFFECTS

PPG Criterion or Environmental Regulation Criterion	Significant Effect Identified	Comment
<p><b>PPG Criteria</b> (1) NP allocates sites for development</p>	No	<p>Policy SH4 allocates 2 sites for mixed use development including 11 or more homes. This constitutes major development (&gt;10 homes) within ESBC's definition of 'major'. Historic England are concerned that development proposed could affect heritage assets (see below). This might only be case for the Short Street School site where some of the buildings might have a local heritage value. It is advised that any policy for this site include details of which elements should be retained, and why, having consulted with the Borough Council's Planning Policy section and with HE. Policy SH4 also allocates the Fivelands Allotments site off Saxon Street. This was a late addition, being added to the Reg.14 consultation edition of the Plan, whilst SEA screening had already been carried out for an earlier draft of the Plan. The views of the statutory consultees on this addition have been sought and as a result of these it is considered that a significant effect has been identified. <b>March 2016: However, the Parish Council has modified the Plan by deleting Fivelands as an allocation.</b></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>Policy SC4 places a high priority on nature conservation and Policy SL2 supports the delivery of a network of open spaces. Policy SL4 aims to protect the Trent waterfront, probably the most sensitive natural asset in the Parish. Similarly, Policy SC1 covers protection of heritage assets, with an emphasis on the Conservation Area. (It has been suggested that the NP could identify the important non-designated heritage assets in the parish, which would then be assessed by ESBC for inclusion on a Local List, work on which is programmed). The policies are unlikely to negatively affect any sensitive natural or heritage assets.</p>

		With the removal of Fivelands from Policy SH4 – a potential sensitive natural asset – the requirement for a SEA has been removed.
(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	No detrimental environmental effects are likely from the application of the Plan's policies. Effects of the allocation of Fivelands Allotments not considered in Local Plan SA, but allocation has now been removed.
<p><b>Environmental Regulation Criteria</b></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>	No detrimental effects	The following policies provide a positive framework for projects within the Parish area: SC1 and SC2 Heritage Assets; SC3 Shopfront Design; SL3 Local Green Space; SC4 Nature Conservation; SL1 Streets and Spaces; SL2 A Network of Open Spaces; SL4 Trent Waterfront.
(5) the degree to which the NP influences other plans and programmes including those in a hierarchy;	No detrimental effects	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 and the policies of the East Staffordshire Local Plan 2012-31.
(6) the relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development;	No detrimental effects	Most policies in the Stapenhill NP contribute positively to the integration of environmental considerations with a view to promoting sustainable development.
(7) environmental problems relevant to the NP;	No	The Plan does not set out any issues that indicate a particular environmental problem.
(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 emerging Local Plan.
<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, that there will be significant irreversible environmental impacts; they are generally small-scale.

(9) the probability, duration, frequency and reversibility of the effects;		
(10) the cumulative nature of the effects;	No	Proposals will not result in a significant increase in vehicular traffic, nor will the traffic calming policy (ST3) or improvements for cyclists and pedestrians (ST1) necessarily result in changed emission patterns due to vehicular traffic having to divert onto other roads. It should be noted that St Peter's Bridge/Orchard St on the Parish boundary are part of an Air Quality Management Area, and there is an automatic air quality monitoring station located on St Peter's Bridge.
(11) the transboundary nature of the effect;	No	No significant transboundary effects of the proposals have been identified. Traffic flows onto surrounding roads will only be altered marginally. It is more likely that traffic increases from developments outside the Parish will impinge on the environment within the Parish. (see Policy ST3).
(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	The spatial area covered by these policies is relatively small. Most of the population of the parish and those immediately outside could be affected, but this will be in a beneficial way.
(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 are protected by Policy SC1. The built and natural heritage is recognised in Policies SC3, SL2 and SL3. There is no evidence that air quality levels are at a significant and critical level locally (but see (10) above).
(15) the effects on areas or landscapes which have a recognised national,	No	There are no sites of this status within or close to the Neighbourhood Plan Area. The SSSI sites identified in para 2.20 are

Community or international protection status;		sufficiently far away, and upstream, not to be affected by the level of development proposed by the Plan.
<b>Additional specific environmental criterion from Basic Conditions:</b> (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 or close to 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) have been consulted. They commented as follows:

**Environment Agency:**

*"Stapenhill considers [the] Water Framework Directive and has recognised this in the assessment. Stapenhill is outside the floodplain.*

*"Taking the above into consideration, with regards to the screening opinion for both these Neighbourhood Plans, [Stapenhill and Anglesey] we consider the plans would not have significant environmental effects and, as a result, a SEA of either plan would not be required."*

On the late addition of Fivelands allotments, Saxon Street as a mixed use site, EA replied:

*"Further to your email which was received on 25 November 2015, referring to site 103 [the Allotments site] we have no concerns as low environmental risk."*

**Natural England:**

*"We welcome the production of this SEA Screening report. Natural England notes the content of the report though the conclusions section doesn't indicate the Borough Council's opinion regarding the outcome. From the content of the table we advise that that SEA is not required."*

*"Natural England notes the [Habitats Regulations Assessment] screening process applied to this Neighbourhood plan. We agree with the Council's conclusion of no likely significant effect upon European designated sites."*

On the late addition of Fivelands allotments, Saxon Street as a mixed use site, NE replied:

*“The inclusion of the allotments site behind Saxon Street as a candidate ‘mixed use’ development site appears to represent a departure from the adopted local plan. The proposals map shows the allotments, together with a number of others in the Stapenhill ward, as part of the National Forest. The significance of environmental effects as a result of this site being developed in the manner described is unclear. We note that other allotments exist in the locality and that the adopted plan refers to the importance of allotments under the separate but related themes of ‘green infrastructure’ (Strategic Policy 23) and ‘health and well-being’ (Strategic policy 34). Figure 1.6 on page 40 (Deprivation by ward) suggests that allotments comprise an important and valuable resource for the ward.*

*The Neighbourhood Plan policy SH4 emphasises the provision of ‘proportionate’ community facilities and the need for proposals to conform to the other policies in the local plan. As a result a key set of questions to inform the Council’s view on the significance of any environmental effects would appear to be ‘what information exists to demonstrate the level of use of the Saxon Street allotments and other allotments in the ward? Are they over-subscribed/ ‘just right’ or does an appreciable number of vacant lots exist?’. The answers to these questions should allow a judgement to be made on the ‘capacity’ of the Saxon Street site to accommodate development while maintaining the ward’s allotment resource – and thus whether or not the allocation is likely to have significant environmental impacts.”*

#### **Historic England:**

*“On the basis of the information supplied, including that set out in the draft plan, 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 likely to be required as land allocations are made and any development proposed could affect heritage assets.”*

*“As regards the HRA Screening Report Historic England does not wish to comment in detail and would defer to Natural England and other statutory consultees, however, we have no adverse comments to make on the report’s conclusions.”*

On the late addition of Fiveland’s allotments, Saxon Street as a mixed use site, there was no response from HE or SCC.

8. The two sites which are allocated in the Plan (Short Street School and land off Rosliston Road adjacent to Health Centre) for housing do not contain any statutorily listed buildings. The Council’s Conservation Officer’s view is that:

*“There are no heritage assets that I am aware of, certainly nothing that is listed. I’m not sure whether Short Street School is planned for retention but it would be sad to see the principal building go as it has got some local historic merit, with the Gothic features and the local vernacular red and Staffordshire blue banded brickwork. It has been hacked around with where the roof tiles are not original and I think the side windows have been altered as well. However the gable fronted section has streetscape value: <https://www.google.co.uk/maps/place/Short+St,+Burton-on-Trent,+Staffordshire+DE15+9LS/@52.787552,-1.630125,3a,66.8y,144.83h,87.7t/data=!3m4!1e1!3m2!1sINTQiFtyFVLnOJdMo2ZWqA!2e0!4m2!3m1!1s0x487a0224ca4ea4bf:0x897b03fdd02a3f50>”*

Overall I’m surprised that a SEA is required.”

Historic England have subsequently clarified their position:

*“Historic England takes the view that when land allocations are made and there has been no apparent attempt to assess the likely environmental impacts that might flow from those allocations, then SEA is indicated. If you are happy that the assessment made by your former conservation officer is adequate in that context then you may feel there is justification to proceed with the Neighbourhood Plan without a formal SEA. I leave that judgement up to you as the local planning authority.”*

9. The Council is satisfied that, on the basis of the possible heritage value of the two original sites, an SEA will not be required. However, a requirement should be inserted in the Policy that, for any proposal granted planning permission for the Short Street site, a survey and record should be made of the heritage assets, and it should be demonstrated how these features will be retained as much as possible in the scheme. It is noted that the Short Street School House is listed as a Community Heritage Asset in Policy SC2.

10. With regard to the allocation of land for more than 10 dwellings, it is noted that no need for an SEA was raised by any of the statutory consultees on this score.

11 However, with regard to the Fiveland allotments site inserted for the published Regulation 14 version of the Plan, the Council on balance believe that the environmental effects of the loss of a substantial area of open land in Stapenhill are significant, and require investigation through the preparation of an SEA. The Council is in possession of insufficient information on such matters as current and forecast demand for allotments, and the nature value/biodiversity value of the site. Usage as open space, even if the allotments area is reduced in size needs to be assessed.

**March 2016:**

12. In the light of these comments, the Parish Council has decided to remove this Policy. This being the case, East Staffordshire Borough Council believes that the above Neighbourhood Plan **would not** have significant environmental effects because of the proposals to allocate more than 10 housing units on 2 sites and, on one site, the need to evaluate and possibly protect local heritage assets. As a result, a Strategic Environmental Assessment of the Plan **will not** be required.

**Habitat Regulations Assessment**

13. East Staffordshire Borough Council concludes that a Habitat Regulations Assessment **would not** need to be carried out as it is not considered to be a large enough plan area or involve complex policies which are likely to have a negative impact on habitats.