



SCREENING OPINION ON:

**STRATEGIC ENVIRONMENTAL ASSESSMENT OF A
NEIGHBOURHOOD PLAN**

HABITAT REGULATIONS ASSESSMENT

WINSHILL

NEIGHBOURHOOD DEVELOPMENT PLAN

NOVEMBER 2015

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 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.

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2. ASSESSMENT OF WINSHILL NEIGHBOURHOOD PLAN, PRE-SUBMISSION VERSION (REGULATION 14), FOR SIGNIFICANT ENVIRONMENTAL EFFECTS.

Planning Practice Guidance Criterion or Environmental Regulation Criterion	Significant Effect Identified	Comment
PPG Criteria (1) NP allocates sites for development	No	The Plan does not allocate any sites for development
(2) The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan	No	Protection of local heritage assets and open space and wildlife feature in Objectives 1 and 8 respectively. Built heritage assets are mentioned in the Vision, particularly improving the Victorian and Georgian housing. This is carried through to Policy 7. However there are no policies or lists identifying either the statutorily protected assets or proposing other structures for local listing. Local green spaces are protected in Policy 2, including two River Trent Environment Zones, which are probably the most sensitive sites in the parish with regard to the environment - both in terms of nature conservation and flood risk.
(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 sensitivity of the River Trent Environment Zones are recognised, and there are no proposals that would have significant environmental effects.
Environmental Regulation Criteria <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	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. (The River Trent Environment Zones are identified in order to protect
(5) the degree to which the NP influences other plans and programmes including those	No	The Adopted Local Plan 2015 makes provision for Neighbourhood Plan to influence decision making in the Neighbourhood Plan area. (see

in a hierarchy;		Policy NP1) The NP accords with National Planning Policy Framework and the saved policies of the East Staffordshire Local Plan of 2006.
(6) the relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development;	The NP is very relevant, but policies adequately promote sustainable development	The Winshill NP contributes to the achievement of sustainable development. Policies 1&2 seeks to enhance and protect open spaces with different designations, Policies 4&5 the open countryside around Winshill, Policies 12 to 15 cover transportation issues. Sustainable development underlies all policies, including those dealing with local housing, retail and employment development. 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;	The NP recognises the environmental problems and proposes policies to mitigate them when development is proposed.	The Winshill NP recognises the following environmental problems: the best way of accommodating further development in a built-up area (Policies 6-9), protecting open space within the built-up area and on the parish's northern flank (Policies 1-5) and the impact of traffic in a built-up area (Policies 12-15).
(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 2015.
<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 any significant environmental impacts that are highly likely, long-term, of frequent occurrence or irreversible.
(10) the cumulative nature of the effects;	No	The types of development which can be accommodated in the parish – and which are covered in the policies - are very incremental and there are unlikely to be any significant cumulative effects.
(11) the transboundary nature of the effect;	No	The only proposal with a transboundary effect is Policy 5 which seeks to

		give 'special recognition' to a greenspace buffer zone to the north of the Parish. The concept is laudable, seeking to give separation if development is permitted in South Derbyshire north of the parish (and Borough) boundary and protect views, but only that part of the buffer lying within the parish can be so protected - the area in South Derbyshire should be identified as an aspiration to be pursued by the Parish, but not as a policy which can be implemented by the Local Planning Authority once the Neighbourhood Plan has been 'made'.
(12) the risks to human health or the environment (e.g. due to accidents);	No	None of the policies will in themselves 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, and likewise any highway proposal will meet the relevant national regulations.
(13) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The magnitude and spatial extent of all the proposals is likely to be limited.
(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 covered by Policy 7. There are no environmental quality standards that are exceeded – there is no area affected by Flood Zones, and at the moment there are no AQMAs affecting the A511, although this could change in the future if traffic levels rise. No intensive land uses are proposed.
(15) the effects on areas or landscapes which have a recognised national, Community or international protection status;	No	Part of the Swadlincote / Burton Green Belt lies to the east of the Parish. However, it is not thought that this landscape of national status would be affected because of the small-scale development proposed within a largely built-up area, and no high buildings are proposed that may affect views from green belt land.
Additional specific environmental criterion from Basic Conditions: (16) The NP would have a significant effect on	No	It is not thought that any site designated as of European nature conservation significance lies close enough to be affected by the small-scale developments envisaged in the Plan. The River Mease SAC lies

a European site (as defined in the Conservation of Habitats and Species Regulations 2010. 'Appropriate' Habitat Regulations Assessment required?		up stream of the Trent at this location. There are no proposals for development that might generate run-off or other effluent harming riparian or aquatic habitats downstream.
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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 Historic England) have been consulted. They commented as follows:

Environment Agency:

"As requested we have reviewed the screening assessment prepared in support of the Winshill Neighbourhood Plan. We do not consider further work on the SEA and HRA necessary for the plan to progress as it is unlikely to have any significant environmental impacts."

Natural England

"We welcome the production of this SEA Screening report. Natural England notes and concurs with the screening outcome indicated in Table 2 i.e. that no SEA is required. Section 8 of the screening report should be updated to make this conclusion clear."

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 are of the opinion that the preparation of a Strategic Environmental Assessment is currently unlikely to be necessary."

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

10. Natural England have given this statement:

"Natural England notes the screening process applied to this Neighbourhood plan. We agree with the Council's conclusion of no likely significant effect upon the named European designated site:

- *River Mease Special Area of Conservation (SAC)*

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.”

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 Sustainability Appraisal for the draft 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.