



SCREENING OPINION ON:

**STRATEGIC ENVIRONMENTAL ASSESSMENT OF A
NEIGHBOURHOOD PLAN**

HABITAT REGULATIONS ASSESSMENT

YOXALL

NEIGHBOURHOOD DEVELOPMENT PLAN

November 2014

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 YOXALL NEIGHBOURHOOD PLAN, PUBLICITY VERSION, 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	Policy H1 allocates up to 40 new homes at Leafields Farm. However, outline planning permission has now been granted for this amount of development on this site. A request for an EIA screening opinion was received, and the Council determined that one was not required. As part of the planning application an ecological appraisal, flood risk assessment, planning and sustainability statement, transport statement and tree constraint plan/ tree survey were submitted to the Council. Having taken all information into account, the planning authority resolved to grant outline permission. This policy should now be deleted from the NP.
(2) The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan	No	Policy D1 on the design of new development states that such development should, <i>inter alia</i> , take advantage wildlife habitats, landscape, water features and should include materials that match those used in historic buildings. Policy RE2 relates to opportunities to improve the green infrastructure, especially the footpath and open space network. The village's conservation area, landscape character and sensitive views are identified in Figure B1, Settlement Analysis, and the extract from the Village Design Statement. The NP area lies within the National Forest, and within the 13km buffer around the Cannock Chase SAC.. It is not considered that any of the NP's policies will have a detrimental effect, and Policies D1 and RE2 will have a beneficial effect.
(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 Yoxall NP policies promote environmental protection and the scale of development is not significant enough to create significant environmental impacts
Environmental Regulation Criteria	No	Policy T1 would require particular liaison with SCC and ESBC as the requirement for a full Transport Assessment for developments of more

<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>than 3 dwellings/100m² floorspace is not a criterion that would usually be applied, (unless the NP means something else by the term “Traffic Impact Assessment”, in which case the NP needs to explain what such an Assessment would contain). Policy RE2 on green infrastructure would also need liaison with the 2 authorities on public footpath enhancement.</p> <p>These policies will not cause any environmentally negative impacts and they strive to improve the environment of Yoxall’s plan area.</p>
<p>(5) the degree to which the NP influences other plans and programmes including those in a hierarchy;</p>	No	<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 and the saved policies of the East Staffordshire Local Plan of 2006.</p>
<p>(6) the relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development;</p>	No	<p>The Yoxall NP contributes to the achievement of sustainable development. Policy D1 – design of new development - points 4 and 10 to 13 address sustainable design for transport; and point 7 refers to incorporating local topography, landscape and water features, trees and plants and wildlife habitats into new developments.</p> <p>Policy RE2 – Green infrastructure improvements. Policy E1 - supporting local employment initiatives.</p> <p>Policy H1 may cause marginal increases in carbon emissions arising from movements of vehicles in low gear; however, this is likely to be offset by proposed junction improvements that will improve traffic flow, and other policies with positive environmental impacts as referred to above.</p> <p>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.</p>
<p>(7) environmental problems relevant to the NP;</p>	No	<p>The Yoxall NP recognises the following environmental problems: accommodation of the strategic housing allocation, and limiting further housing development, without damaging the character of the the village; traffic along the A515 causing safety, environmental and parking</p>

		problems within the plan area, which should not be exacerbated by new development; and not exacerbating the flood risk within those parts of the NP area affected by this problem. The Neighbourhood Plan contributes to alleviating the traffic problem by improving green routes within the plan area to encourage cycling and walking, and insisting on Traffic Impact Assessments for all but the smallest developments (Policy T1). Policy RE1 addresses the flood risk issue, and how new development may require measures to avoid exacerbating the problem elsewhere.
(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. The NP includes a policy specifically dealing with the water environment.
<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 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 transboundary nature of the effect;	No	There may be a marginal increase of traffic onto the A515, which runs out of East Staffordshire to the north and south, from the modest increase in housing development envisaged. Effects beyond the village itself would be taken into account by SCC as a consultee on planning applications. The flood risk consequences downstream of new development have been addressed (see (7) above).
(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.
(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 D1. The only environmental quality standard likely to be exceeded is that relating to flood risk. The NP addresses this matter 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	Whilst the village lies within the 13 km hinterland around the Cannock Chase SAC, the proposals of the NP do not involve development which is significant to be likely to cause any effect, positive or negative, on this 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	Whilst the village lies within the 13 km hinterland around the Cannock Chase SAC, the proposals of the NP do not involve development which is significant to be likely to cause any effect, positive or negative, on this SAC.

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:

"In regards to the screening opinion we consider that the above Neighbourhood Plan would not have significant environmental effects and, as a result, a Strategic Environmental Assessment of the Plan would not be required."

Natural England

Natural England welcomes the Screening Report which assesses the requirement for a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) for the Yoxall Neighbourhood Plan.

We understand from the screening report that the development of the Leafields Farm site for 40 houses, which is allocated in the Neighbourhood Plan under Policy H1, has now been granted outline planning permission. The screening report recommends that as a result of this planning permission that Policy H1 should now be deleted from the Neighbourhood Plan. If this policy is indeed deleted from subsequent drafts of the plan the remaining policies do not identify or allocate any other development sites. Therefore it would be unlikely that the plan would result in any significant environmental effects which would require assessment under the Strategic Environmental Assessment (SEA) directive or Habitat Regulations.

English Heritage

"On the basis of the information supplied, (which we have to say seems to unhelpfully conflate SEA and HRA Screening) 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], English Heritage is of the view that the preparation of a Strategic Environmental Assessment is unlikely to be required"

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. The Sustainability Appraisal for the emerging 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