



Strategic Environmental Assessment Screening Report

On behalf of
Coleby Parish Council

Date of assessment:	01 March 2017
Date/ version of neighbourhood development plan to which Screening Report applies:	Coleby Neighbourhood Plan – draft received 20 February 2017

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Overview

Neighbourhood development plan (NDP) to which this Screening Report applies:

Coleby Neighbourhood Plan

Version/ date of NDP to which this Screening Report applies:

Coleby Neighbourhood Plan – received on 20 February 2017

Neighbourhood area to which the NDP applies:

Coleby Neighbourhood Area

Parish council/s within the neighbourhood area:

Coleby Parish Council

1. Introduction

- 1.1 This screening report determines whether or not the contents of the *Coleby Neighbourhood Plan* (CNP) requires a Strategic Environmental Assessment (SEA), in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 The objectives of the CNP are grouped into four headings as follows:
- **Community:**
 - *Preserve and enhance the distinct community spirit of Coleby and protect the local facilities that people value.*
 - **Natural Environment:**
 - *Protect the village's green spaces and its landscape, improve access to the countryside and protect and enhance habitats and biodiversity.*
 - **Built Environment:**
 - *Protect and enhance the character of the Village and Parish, and their heritage assets, whilst allowing for an appropriate level of new development.*
 - *Ensure that there is adequate parking for new development whilst maintaining the character of the village.*
 - **Housing:**
 - *Ensure that the scale, location and type of new housing enables reasonable additional choice without detracting from Coleby's character as a small, rural village and a rural Parish.*
- 1.3 Details of the legislation that require the need for this screening exercise and the SEA screening assessment criteria are outlined in sections 2 and 3 of this report respectively. Section 4, screens the CNP against the criteria in section 3 and determines whether the plan is likely to have significant environmental effects and if a full SEA is required.

2. Legislative Background

- 2.1 The Localism Act 2011 (Schedule 9) introduced neighbourhood planning into the Town and Country Planning Act 1990. The 1990 Act, as amended by Schedule 10 of the Localism Act 2011, requires that neighbourhood development plans meet a set of basic conditions, one of which being that the making of the plan does not breach, and is otherwise compatible with, EU obligations.
- 2.2 To ensure that a Neighbourhood Plan meets this basic condition, a Strategic Environmental Assessment (SEA) may be required to determine the likely significant environmental effects of implementing the Neighbourhood Plan. The basis for Strategic Environmental legislation is European Directive 2001/42/EC, which was transposed into domestic law by the Environmental Assessment of Plans and Programmes Regulations 2004, or 'SEA Regulations'. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.3 Where a proposed plan is likely to have a significant effect on a European site or European offshore marine site (in relation to the Habitats Directive), this will also trigger the need to undertake a Strategic Environmental Assessment. Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an appropriate assessment. To achieve this, paragraph 1 of schedule 2 of the Neighbourhood Planning (General) Regulations 2012 prescribes a basic condition that the making of a Neighbourhood Plan is not likely to have a significant effect on

a European site or a European offshore marine site. Paragraphs 2 to 5 go on to amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and plans.

- 2.4 This report screens the CNP against various criteria to determine if a SEA is required. A SEA would assess the Neighbourhood Plan against the European legislation outlined above, and would conclude whether the plan does not breach, and is otherwise compatible with, EU obligations with regards to the environment.

3. Criteria for Assessing the Effects of Neighbourhood Development Plans

- 3.1 Article 3(5) of Directive 2001/42/EC details the criteria for determining whether plans are likely to have significant environmental effects. This criteria is outlined below.

Article 3, Scope

5. Member States shall determine whether plans or programmes referred to in paragraphs 3 and 4 are likely to have significant environmental effects either through case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose Member States shall in all cases take into account relevant criteria set out in Annex II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by this Directive.

Annex II Criteria for determining the likely significance of effects referred to in Article 3(5)

1. The characteristics of plans and programmes, having regard, in particular, to
- 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;
 - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
 - environmental problems relevant to the plan or programme;
 - 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
- the probability, duration, frequency and reversibility of the effects;
 - the cumulative nature of the effects;
 - the transboundary nature of the effects;
 - the risks to human health or the environment (e.g. due to accidents);

- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage;
 - exceeded environmental quality standards or limit values;
 - intensive land-use;
- the effects on areas or landscapes which have a recognised national, Community or international protection status.

4. Assessment

4.1 The Department of the Environment has produced a flow chart diagram¹ which sets out the process for screening a planning document to ascertain whether a full SEA is required. See Figure 1 below.

1.2 Annexes I and II of Directive 2011/92/EU (as referred to in Figure 1, question 3) can be found here:

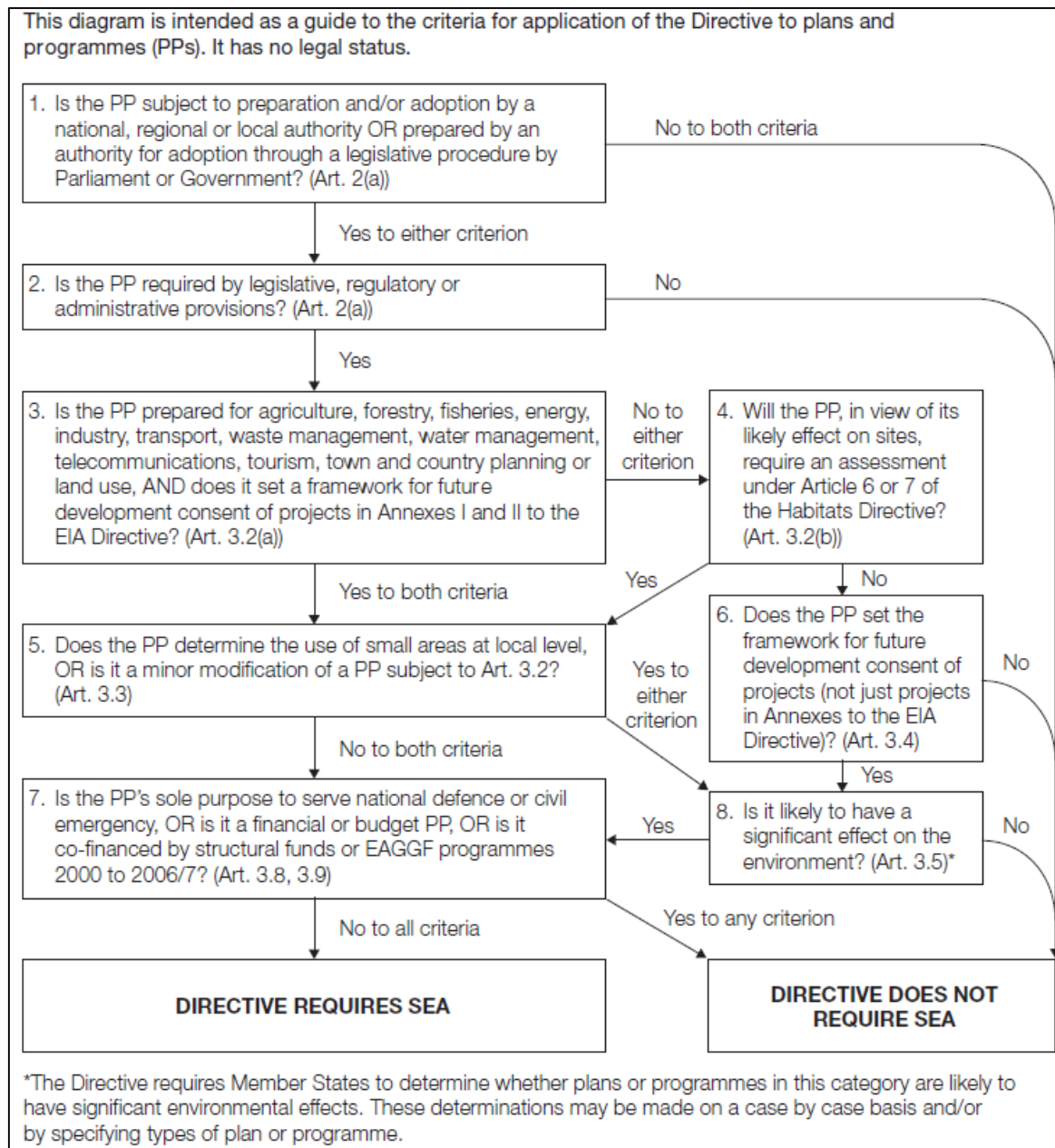
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0092&from=EN>

(see <http://ec.europa.eu/environment/eia/eia-legalcontext.htm> for details of amendments).

4.3 Articles 6 and 7 of the Habitats Directive (as referred to in Figure 1, question 4) can be found here: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>.

¹ Department of the Environment, A Practical Guide to the Strategic Environmental Assessment Directive (2005)

Figure 1: Application of the SEA Directive to plans and programmes



4.3 The process outlined in Figure 1 has been undertaken for the CNP and the findings are outlined in Table 1. As the questions have been answered using the flow diagram above, some of the questions may not be applicable as a result of previous answers: where this is the case, the response is stated as 'not applicable'.

Table 1: Assessment of Coleby Neighbourhood Plan against Figure 1

Criteria	Response: Yes/ No/ Not applicable	Details
1. Is the Neighbourhood Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government?	<u>Yes</u>	The preparation and adoption of the CNP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Whilst the CNP has been prepared on behalf of Coleby Parish Council it will be adopted by North Kesteven District Council as the local authority. GO TO STAGE 2
2. Is the Neighbourhood Plan required by legislative, regulatory or administrative provisions?	<u>Yes</u>	Whilst the production of a Neighbourhood Plan is not a requirement and is optional, it will, if made, form part of the Development Plan for the District. It is therefore important that this screening process considers the potential effects. GO TO STAGE 3
3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive?	<u>Yes</u>	The CNP is being prepared for town and country planning and land use but does not set a framework for future development proposals. GO TO STAGE 4
4. Will the Neighbourhood Plan, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive?	<u>No</u>	The CNP will not have any effects on sites and as such will not require an assessment under Articles 6 and 7 of the Habitats Directive. GO TO STAGE 6
5. Does the Neighbourhood Plan determine the use of small areas at local level, OR is it a minor modification of a Plan subject to Article 3.2?	<u>N/A</u>	
6. Does the Neighbourhood Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)?	<u>Yes</u>	The CNP will set the framework for development consents in the neighbourhood area. GO TO STAGE 8
7. Is the Neighbourhood Plan's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7?	<u>N/A</u>	
8. Is it likely to have a significant effect on the environment?	<u>No</u>	The scope of the proposed CNP and the geographical area to which

		<p>it applies is relatively limited. The CNP does not seek to allocate any sites for development, but provides guidance to be used to determine applications should they come forward.</p> <p>The proposed policies are mainly seeking to protect character or relating to uses or sites that are unlikely to result in development that will have a significant environmental impact.</p> <p>It is not considered likely to have a significant impact on any Natura 2000 site.</p> <p>(See Table 2: Assessment of the likely significant effects on the environment).</p>
Outcome:		SEA not required

Table 2: Assessment of the likely significant effects on the environment

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	North Kesteven District Council Assessment	Likely significant environmental effect?
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;	The CNP would, if adopted, form part of the Statutory Development Plan and as such does contribute to the framework for future development projects. However, the CNP would only apply to a very limited geographical area, where few proposals are anticipated and would have very limited resource implications.	No
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The CNP will be required to be in general conformity with the Local Plan of the area, in this case the North Kesteven Local Plan (NKLP) or possibly the Central Lincolnshire Local Plan (CLLP) which is currently at examination, depending on the timing of the examination of the CNP. There is no requirement for any replacement of the NKLP or CLLP to conform to the policies of the CNP, although there may be some limited influence to policies of a future local plan.	No

(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The proposed CNP includes a policy which seeks to preserve trees and green spaces. Whilst other policies do not deal with environmental considerations the wider Development Plan as a substantial compliment of policies in this regard. It is therefore considered that the Draft Plan does integrate environmental considerations with a view to promoting sustainable development.	No
(d) environmental problems relevant to the plan or programme; and	The western edge of the area is at risk of flooding. However, there are no specific implications for these areas in the draft plan.	No
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The CNP is not directly relevant to the implementation of any European legislation.	No
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;	Whilst effects of the CNP may not be reversible they are anticipated to be minimal, in terms of probability, duration and frequency.	No
(b) the cumulative nature of the effects;	The cumulative effects of the plan are expected to be limited.	No
(c) the transboundary nature of the effects;	It is not anticipated that any effects will be transboundary.	No
(d) the risks to human health or the environment (for example, due to accidents);	There are no significant risks anticipated, and it is considered that the CNP will enhance human health and the environment.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The CNP area is very local in extent and the plan will only apply to a population in the region of 410 people and a geographical area of 1,117ha. Any effects of the plan will only be local.	No
(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; or (iii) intensive land-use; and	The CNP does not allocate sites and it promotes the protection of the built and natural environment. One draft policy actively seeks to ensure that development responds to surroundings and protecting heritage assets. Any effects of the plan are expected to be positive on these characteristics.	No
(g) the effects on areas or landscapes which have a	Any effects of the plan are expected to be positive.	No

recognised national, Community or international protection status.		
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5. Consultation of Statutory Agencies

5.1 The assessment in section 4 indicates that it is unlikely that there will be any significant environmental effects arising from the CNP (as submitted at the date of this assessment) and thus a SEA is not required. The relevant Statutory Agencies, namely the Environment Agency, Historic England and Natural England, have been consulted on this screening opinion based on the CNP in its current form. The responses received during this consultation are detailed below.²

Environment Agency

5.2 The Environment Agency responded to the consultation on 7 April 2017, concluding that:

“We inspected the information submitted and consider that the proposal is unlikely to have significant effects on the environment which are of interest to the Environment Agency.”

Historic England

5.3 Historic England responded to the consultation on 22 March 2017, concluding that:

“On the basis of the information supplied, including that set out in the draft plan in which no new development sites are allocated over 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 not likely to be required.”

Natural England

5.4 Natural England responded to the consultation on 7 March 2017, concluding that:

“We welcome the production of this SEA Screening report. Natural England notes and concurs with the screening outcome i.e. that no SEA is required.”

6. Screening Outcome

6.1 As a result of the assessment in section 4, and following consultation of the Statutory Agencies, North Kesteven District Council consider it unlikely that there will be any significant environmental effects arising from the Coleby Neighbourhood Plan, as submitted at the date of this assessment. As such, based on the contents of draft Coleby Neighbourhood Plan, on which this screening was undertaken, a full SEA does not need to be undertaken for the Coleby Neighbourhood Plan.

6.2 If the objectives, aims and/ or policies covered by the CNP should change (other than minor changes), or specific sites are allocated for development, this screening process should be repeated for the revised plan. Please contact North Kesteven District Council for advice in such instance.

² The subject of this consultation.