

# Marchington Neighbourhood Plan

## *Strategic Environmental Assessment Determination Statement*



**Submission version** *(as required by Regulation 15.1.d  
of the Neighbourhood Planning (General) Regulations 2012)*



**March 2016**

## Context

1.1 In some limited circumstances, where a Neighbourhood Plan could have significant environmental effects, it may require a Strategic Environmental Assessment (SEA) under the relevant EU Directive. DCLG planning guidance suggests that, whether a Neighbourhood Plan requires a strategic environmental assessment and (if so) the level of detail needed, will depend on what is proposed in the Neighbourhood Plan. An SEA may be required, where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered in a sustainability appraisal of the Local Plan.

1.2 In the case of the Marchington Neighbourhood Plan:

- it does not allocate specific sites for development
- it does not contain sensitive natural or heritage assets that may be affected by the proposals in the plan
- it does not have significant environmental effects as defined by the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004
- it does not contain significant proposals beyond those which have already been the subject of a SEA within the Sustainability Appraisal on the WJNCS.

1.3 However, in accordance with recommended good practice, a screening of the Neighbourhood Plan has been undertaken by East Staffordshire Borough Council to determine whether a SEA is required. The Environment Agency, Natural England and Heritage England were consulted on the draft Plan and on the SEA screening. On the basis of this screening (see Appendix 1), the Borough Council concluded that the Marchington Neighbourhood Plan **does not require a SEA to be undertaken** and that it is not in breach of the relevant EU Directive.

## Habitats Directive

1.4 The East Staffordshire Local Plan was required under European Directive 92/43/EEC to be subject to a Habitats Regulations Assessment (HRA). A HRA screening of the Local Plan did not identify any significant effects arising within or adjoining the area of the Marchington Neighbourhood Plan. The Parish Council therefore considers that the Neighbourhood Plan is not in breach of the EU Habitats Directive.

1.5 The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3) (either alone or in combination with other plans or projects).

1.6 Natural England has been consulted during the drafting of the Neighbourhood Plan and confirmed that there are no internationally and one nationally designated nature conservation site (a Site of Special Scientific Interest) within Marchington. However, it has been concluded that the plan will not result in any adverse impact on this feature.



**SECOND SCREENING OPINION ON: STRATEGIC  
ENVIRONMENTAL ASSESSMENT OF A  
NEIGHBOURHOOD PLAN  
HABITAT REGULATIONS ASSESSMENT**

**MARCHINGTON**

**NEIGHBOURHOOD DEVELOPMENT PLAN**

(INCLUDING POLICY CHANGES FOLLOWING FIRST REGULATION  
14 CONSULTATION)

**JANUARY 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 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.

**2. SECOND ASSESSMENT OF MARCHINGTON NEIGHBOURHOOD PLAN, PRE-SUBMISSION VERSION (REGULATION 14), FOR SIGNIFICANT ENVIRONMENTAL EFFECTS (CONSULTATION TO BE RE-RUN FOLLOWING REVISION OF POLICIES).**  
**RED TEXT INDICATES CHANGES MADE BETWEEN FIRST AND SECOND VERSIONS OF PLAN**

Planning Practice Guidance Criterion or Environmental Regulation Criterion	Significant Effect Identified	Comment
<p><b>PPG Criteria</b>            (1) NP allocates sites for development</p>	<p>No</p>	<p>Policy SB1 allocates up to 10 units on land to the rear of The Bagshaws, <b>5 at Jacks Lane</b> and <b>2-3</b> at Thorn Tree Farm. The allocations are subject to provisos regarding effect on Listed Buildings and the Conservation Area, highways effects, effect on a specific footpath, and there being no adverse impact on known flooding and drainage problems. These are fairly minor allocations, and are not seen as having a significant environmental effect. The most likely effects are addressed adequately in the Policy, and do not need an SEA.</p> <p><b>Policies AB1 and AB2 set out criteria to be met should development be proposed on 2 specific sites in the Parish, without allocating the sites for any specific use.</b></p>
<p>(2) The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan</p>	<p>No</p>	<p>Effect on Conservation Area used as a criterion in assessing sites for development (paras <b>3.64</b> and <b>3.65</b>). The Conservation Area Appraisal, Landscape Character Assessment, Historic Environment Assessment, and the Parish's own Characterisation Study have been used to highlight sensitive assets. Heritage assets are mapped. <b>Heritage assets are included in Policies DP1, SB1, SB2, AB2, H1, BE1, BE2 and BE3.</b></p> <p>Natural England's National Character assessment is quoted, <b>and Policies NE1, NE2, CFOS1 and CFOS2 cover protecting the countryside and landscape, nature conservation and protection of open space.</b> but there is nothing on specific sites in the parish which might be sensitive.</p> <p><b>In their response to the first SEA screening report based on Version 1 of the Plan, NE</b></p>

		believed an SEA was required because of the presence of Cannock Chase SAC/SSSI less than 15km away and Forest Banks SSSI within the Parish. The Borough Council believed that none of the developments proposed are large enough or close enough, or of a nature that these two sensitive sites are likely to be affected. Forest Banks lie on the Marchington/Draycott Cliff. <b>Comments on this second screening are awaited.</b>
(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	<b>No significant environmental effects have been identified that have not already been considered in the Local Plan Sustainability Appraisal</b>
<b>Environmental Regulation Criteria</b>  <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	<b>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.</b>
(5) the degree to which the NP influences other plans and programmes including those in a hierarchy;	No	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.
(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 Marchington NP contributes to the achievement of sustainable development. Overall Policy DP1 sets out sustainable development principles; Policies AB1, AB2 & LE2- flood prevention and management; Policy H1- sustainable criteria on smaller infill sites; Policy H2 meeting the housing needs of all sectors of the population; Policy H3 sustainable development criteria for judging the design of new development; Policies BE1, BE2, BE3 – protecting local character, built heritage assets and archaeological sites; Policies NE1, NE2 protecting countryside, landscape and nature; Policies CFOS2, CFOS3 protecting existing, and proposing new, green spaces; Policy LE1 -

		<p>supporting local employment initiatives; Policy RE1 – Renewable Energy applications.</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>
(7) environmental problems relevant to the NP;	The NP recognises the environmental problems and proposes policies to mitigate them when development is proposed.	The Marchington NP recognises the following environmental problems: <b>potential for ground pollution and the need for a pollution prevention plan (Policy DP1)</b> ; accommodation of the strategic housing allocation, (Policy SB1) and limiting further housing development, without damaging the character of the village; and not exacerbating the flood risk within those parts of the NP area affected by this problem, <b>with specific requirements for development within the Marchington Brook catchment and the incorporation of RSuDS for all proposals where feasible.</b> (Policy DP2).
(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	Sudbury Conservation Area mentioned and tackling effect development might have on its setting. Could extend to Sudbury Hall (National Trust, Grade I listed) and its parkland (Registered Park & Garden) 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);	Yes	The population covered by these policies is 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 Policies BE1 - BE3. 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.  Buttermilk Hill is a Regional Site of Geological/Geomorphological Importance. There is no mention of protection of this site from inappropriate development, and of its setting.
(15) the effects on areas or landscapes which have a recognised national, Community or international protection status;	No	Whilst the village lies within the 15 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
<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. 'Appropriate' Habitat Regulations Assessment	No	Whilst the village lies within the 15 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.

required?		
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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 re-consulted on this revised version of the Plan. They commented as follows:

**Environment Agency**

“We are of the opinion that the proposals have the potential to have a significant environmental impact, in light of the proposals SB2 which lie on bedrock classified a B aquifer, which is vulnerable to the effects of remobilising contaminants that may already be present in the underlying soil from previous land uses. We consider this meets the requirements of part 2(d) of the PPG on SEA requirements.

Your Authority should determine whether or not this site is a formal allocation, and make a decision regarding the need for a SEA accordingly.

We note that that draft Policy DP1 requires *‘The potential for ground pollution should be taken into account and, where necessary, measures taken to manage this through a pollution prevention plan’* however we do not consider that this suitably assesses this specific risk to the water environment or demonstrates that this risk can be managed.

Adopted Detailed Policy 7: Pollution and Contamination also states that: *Development proposals will only be granted planning permission where they will not give rise to, or be likely to suffer from, land instability and/or unacceptable levels of pollution in respect of noise or light, or contamination of ground, air or water.*

This should all be taken into account in your final decision on whether an SEA is required to support this plan or not.”

**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.”

**Natural England**

“Natural England has considered the content of the revised and re-submitted Neighbourhood Plan. We agree with the Borough Council’s conclusions regarding SEA and HRA i.e. that significant environmental effects are unlikely to arise as a result of the changes that have been made to the plan and that as a result no SEA or further HRA is required. “

Regulation 14 Consultation. We acknowledge the re-submission in respect of this stage in the consultation process and can confirm that Natural England has no specific comments on the re-submitted version of the plan.”

**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. The Council does not regard the provisions of Policy SB2 to constitute a formal site allocation. However, the Council requests that the concerns raised by the Environment Agency on Policy DP1 are adequately resolved through appropriate wording in the Neighbourhood Plan policy.**

### **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.

10. Natural England has given general advice on when a HRA might be required, but has not unequivocally stated whether one is required for this Neighbourhood Plan or not. They have stated:

*“Therefore, measures may need to be incorporated into the neighbourhood plan to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on European protected sites.”*

11. They then go on to state:

*“This will be particularly important if a... neighbourhood plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment for the local plan.”*

12. The Council responds to these statements as follows. Firstly, the effect of any development at the Military Depot site on European protected sites is dealt with above under the SEA heading. Secondly, the Local Plan has been adopted recently, but the site has not been included in the HRA for the Local Plan as it was not put forward as a site allocation at the time.

13. On balance, East Staffordshire Borough Council concludes that a Habitat Regulation Assessment **would not** need to be carried out as it is **not** considered that any of the development proposed in the Plan would be likely to have an adverse effect on the nearest European sites (SAC, SPA or Ramsar) due to a combination of the distance from the nearest European site and the relatively small size of new development proposed.

22/1/16