



SCREENING OPINION ON:

**STRATEGIC ENVIRONMENTAL ASSESSMENT OF A
NEIGHBOURHOOD PLAN**

HABITAT REGULATIONS ASSESSMENT

SHOBNALL

NEIGHBOURHOOD DEVELOPMENT PLAN

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 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 SHOBNALL NEIGHBOURHOOD PLAN, DRAFT (PRE- REGULATION 14), FOR SIGNIFICANT ENVIRONMENTAL EFFECTS.

Planning Practice Guidance Criterion or Environmental Regulation Criterion	Significant Effect Identified	Comment
<p>PPG Criteria</p> <p>(1) NP allocates sites for development</p>	Yes	Development & Housing Policy 3 allocates 5 sites for housing development. Policy HD4 allocates 9 brownfield sites for housing and mixed use.
<p>(2) The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan</p>	No	Protection of local heritage assets, open space and natural environment feature in the Objectives. This is carried through to draft policies BH&E 1&2, including the identification of non-designated heritage assets. Open space and the natural environment are protected in policy GN1 (Local Green Spaces and the Natural Environment). Protection of local heritage assets are in policies BH1 (Protecting Shobnalls heritage Environment) and BH2 (Sustaining Shobnall Heritage Environment).
<p>(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</p>	No	Other than the housing sites above, there are no policies with significant environmental effects that have not been already considered in the Local Plan 2015 SA. There is an emphasis on brownfield development, but none that would be of sufficient scale to have significant effects on, especially, drainage, water quality, air quality or traffic generation.
<p>Environmental Regulation Criteria</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	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.

(5) the degree to which the NP influences other plans and programmes including those in a hierarchy;	No	The Adopted Local Plan 2015 makes provision for Neighbourhood Plan to influence decision making in the Neighbourhood Plan area. (see Local Plan Policy NP1) 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	<p>The Shobnall NP contributes to the achievement of all aspects of sustainable development – socio-economic and wellbeing as well as environmental. Environmentally, Policies T1 and T2 address the environmental impact of traffic in the area. Policies T4 and T5 support the development of new sustainable transport services, including improved cycle and pedestrian routes. Policy HD4 supports development on 9 brownfield sites. Policies GN1-3 seek to enhance and protect open spaces of different designations. Sustainable development underlies all policies, including those dealing with local housing, retail and employment development.</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 Shobnall NP recognises the following environmental problem: the impact of traffic in a built-up area (Policies T1 and T2).
(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>	No	It is unlikely that, as a result of the policies within the Neighbourhood Plan, that there will be any <u>significant</u> environmental impacts that are highly likely, long-term, of frequent occurrence or irreversible.

(9) the probability, duration, frequency and reversibility of the effects;		
(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	No significant transboundary effects are likely.
(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 Policies BH1 and 2. There are no environmental quality standards that are exceeded – there is no area affected by a Flood Zone, and at the moment there are no AQMAs affecting the B5017 or A38, although this could change in the future if traffic levels rise, particularly on the B5017. No significantly-sized intensive land uses are proposed.
(15) the effects on areas or landscapes which have a recognised national, Community or international protection status;	No	Shobnall lies outside 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.
Additional specific environmental criterion from Basic Conditions: (16) The NP would have a significant effect on a European site (as defined in the	No	Shobnall lies outside 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.

Conservation of Habitats and Species Regulations 2010. 'Appropriate' Habitat Regulations Assessment 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 consulted. They commented as follows:

Comments from initial screening report on draft policies/policy directions in November 2015:

Environment Agency:

"As requested we have reviewed the screening assessment prepared in support of the Shobnall 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

"Natural England has considered those aspects of the neighbourhood plan within our remit. We note the recent adoption of the borough local plan and the SEA and HRA carried out as part of that process and advise that no further SEA or HRA is required for this neighbourhood plan."

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.

Comments from Statutory Consultation Bodies on Regulation 14 Plan March 2016:

Environment Agency

'As requested we have reviewed the screening assessment prepared in support of the Shobnall 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 refer the authority to our previous response of 09 December 2015 which stated that Natural England had considered those aspects of the neighbourhood plan within our remit and noted the adoption of the borough local plan and the SEA and HRA carried out as part of that process and advised that no further SEA or HRA was required for the Shobnall Neighbourhood Plan.

Historic England

Thank you for the above re-consultation. Having reviewed the up to date screening and the regulation 14 Plan we remain of the same view, that an SEA is not required, in line with our previous advice set out below.

"For the purposes of consultations on SEA, Historic England confines its advice to the question, "Is the Plan or proposal likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage. Our comments are based on the information supplied by the LPA in their consultation to us.

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. 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.