

## BRIEFING NOTE

Title: **14-018: Uttoxeter Neighbourhood Plan – UNP**

Date: **26 July 2016**

Purpose: **To set out how the plan meets the requirement of the Environmental Assessment of Plans and Programmes Regulations 2004**

1. This statement is designed to set out how the Uttoxeter Neighbourhood Plan (UNP) meets the requirements of the *Environmental Assessment of Plans and Programmes Regulations 2004*. The regulations require any plan or policy to determine whether it is likely to have significant of environmental effects, and as necessary mitigate for or avoid, these effects.
2. Regulation 9(1) requires the responsible authority - in this case the Uttoxeter Town Council who have taken on the role of the Neighbourhood Forum as described under regulation 8 of the *Neighbourhood Planning (General) Regulations 2012*- to determine whether or not the plan or programme is likely to have significant environmental effects.
3. In preparing their response, the Town Council have been assisted by East Staffordshire Borough Council (ESBC). ESBC undertook to prepare and consult upon a screening opinion in regard of a Strategic Environmental Assessment (SEA) for the Uttoxeter Neighbourhood Plan. This was finalised in January 2016 and is appended to this statement for completeness. It is based on the guidance set out in the National Planning Policy Guidance (PPG). The Plan has also been subjected to a wider Sustainability Appraisal undertaken by the Parish Council and their consultants which is submitted alongside the UNP.
4. Regulation 6 of the Environmental Assessments Regulations (2014), states that an environmental assessment need not be carried out for a plan or programme which determines the use of a small area of land at a local level unless it is determined under regulation 9(1) that the plan or programme is likely to have significant environmental effects.
5. It is determined, by the Parish Council and reinforced by the comments in the screening report prepared by the Borough Council, that the UNP does not require Environmental Assessment under regulation 9(1). The following paragraphs demonstrate why this is considered to be the case:

- a. The plan is considered to be in complete accordance with the strategic policies of the adopted East Staffordshire Local Plan (2015) and the National Planning Policy Framework (2012); and
  - b. That the scale of any anticipated change and the area which the plan covers are considered to be minimal and that any changes are unlikely to be irreversible and in many cases would impact positively on the local population.
6. In reaching these broad determinations, the following key issues have been considered:
- a. The Borough Council have prepared and consulted upon a SEA screening opinion based on the draft Neighbourhood Plan (prepared in accordance with regulation 14 of the *Neighbourhood Planning (General) Regulations 2012*) which confirmed that the Neighbourhood Plan would not have significant environmental effects;
  - b. A detailed response to the criterion within the Planning Policy Guidance (PPG) is set out within chapter 2 of the accompanying SEA Screening Report, which assess the potential environmental impacts of the two allocated sites, finding an SEA was not required;
  - c. This position was confirmed and agreed by the statutory consultation bodies (Historic England, The Environment Agency and Natural England) as set out in section 7 of the appended SEA Screening Report;
  - d. It is considered that other plans and policies at the national and Borough level, and those which are included within the remainder of the UNP (specifically those pertaining to the protection of the historical environment), are sufficient in all regards to mitigate any possible residual negative environmental effects from the areas identified for residential development.
7. As a result it is concluded that no SEA is required under the provisions of regulation 9(1) of the 2004 Regulations. This statement is considered to satisfy the requirements of Regulation 9(3) and states the reasons for this determination.



**SCREENING OPINION ON:**

**STRATEGIC ENVIRONMENTAL ASSESSMENT OF A  
NEIGHBOURHOOD PLAN**

**HABITAT REGULATIONS ASSESSMENT**

**UTTOXETER**

**NEIGHBOURHOOD DEVELOPMENT PLAN**

**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.

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## 2. ASSESSMENT OF UTTOXETER NEIGHBOURHOOD PLAN, DRAFT (PRE- REGULATION 14), FOR SIGNIFICANT ENVIRONMENTAL EFFECTS.

Planning Practice Guidance Criterion or Environmental Regulation Criterion	Significant Effect Identified	Comment
<p><b>PPG Criteria</b></p> <p>(1) NP allocates sites for development</p>	No	Policy TC2 sets out development principles and design criteria for two sites in the Town Centre, without allocating what uses the sites should be developed for. Guidance is given on the range of uses that would be acceptable, and how residential should be treated should that use be proposed. It is not considered to constitute a site allocation. Both sites are brownfield and there appear to be no significant environmental issues that justify the preparation of an SEA. Policy L1 on the Racecourse is a similar type of policy.
<p>(2) The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan</p>	No	Policies D3 and D4 cover the protection of heritage assets, both listed and unlisted. However, there is no identification of unlisted assets that might be suitable for the Local Authority to consider for a 'local list'. Policy L2 puts forward certain sites as Local Green Spaces, E1, the protection of Uttoxeter's green infrastructure, E2 landscape and setting of Uttoxeter, and E3 the protection of green routes/links through the urban area and out into the rural hinterland. These policies cover the protection of natural assets in the Town in a positive way.
<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	There are no policies with significant environmental effects that have not been already considered in the Local Plan 2015 SA.
<p><b>Environmental Regulation Criteria</b></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,</p>	No	

either with regard to the location, nature, size and operating conditions or by allocating resources;		The Neighbourhood Plan does set a framework for projects in the Town, 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	The Uttoxeter NP contributes to the achievement of all aspects of sustainable development – socio-economic and wellbeing as well as environmental. Environmentally, Policy D1 addresses the environmental impacts of new residential development; Policies T1-T6 the environmental impact of traffic in the area, and the enhancement of more sustainable means of transport; Policy H1 housing on brownfield sites. Socio-economically, Policies B1-4 relate to employment land, supporting business, skills development and training, and overnight accommodation; Policy L4 deals with cultural activities, and Policies C1-3 with the provision and protection of community facilities. 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.	There is no summary in the Plan of the main issues for Uttoxeter as identified in public engagement, but the environmental problems the policies seek to address are: the impact of traffic and the protection of open space vulnerable within an urban area.
(8) the relevance of the NP for the implementation of Community legislation on the environment (e.g. plans and programmes	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

linked to waste-management or water protection).		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 <u>significant</u> 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 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	No particularly special natural or cultural phenomena are identified (but see (15) and (16) below). 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. 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	Uttoxeter lies just 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.
<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 required?	No	Uttoxeter lies just 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.

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 Uttoxeter Neighbourhood Plan. We agree with the report's conclusions and 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 i.e. that no SEA is required."

**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 not** likely to be necessary"

**Staffordshire County Council Historic Environment Record Officer:**

"Thank you for your email regarding the Uttoxeter Neighbourhood Plan SEA screening. Historic England are the statutory consultee on the historic environment for the SEA screening process and as such we would defer to comments provided by them with regards to the requirement for an SEA. That being said, having reviewed the draft plan for Uttoxeter we would agree with Historic England's position that an SEA would not be required (on historic environment grounds) on this occasion."

**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.

10. Natural England make the following comment:

“We note and welcome the HRA screening report’s reference to the Cannock Chase Special Area of Conservation (SAC) zone of influence extending some 15km from the SAC boundaries. This zone covers an appreciable proportion of the parish area (south-west of the town) but as the plan does not allocate sites and conforms with the adopted local plan **we agree with the report’s conclusion that no further work in respect of HRA is required.**”

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.