

**Strategic Environmental Assessment - Screening determination for
the Claverton Neighbourhood Plan**

January 2019

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1. Introduction

This document provides a screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the Claverton Neighbourhood Plan.

Bath & North East Somerset, as the 'Responsible Authority' under the SEA Regulations¹, are responsible for undertaking this screening process of the Claverton Neighbourhood Plan. It will determine if the plan is likely to have significant environmental effects, and hence whether SEA is required.

This process has been carried out in accordance with the requirements of European Directive 2001/42/EC², often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations.

¹ The Environmental Assessment of Plans and Programmes Regulations 2004

² European Directive 2001/42/EC "*on the assessment of the effects of certain plans and programmes on the environment*"

2. Legislative requirements

The Localism Act 2011 requires neighbourhood plans to comply with EU legislation. The screening procedure outlined in this report meets the requirements of the SEA Directive and Regulations, as introduced in Section 1 of this document.

Regulation 5 of the SEA Regulations requires an environmental assessment of plans which:

1. *are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use (Regulation 5, para. (2)(a), **and** which set the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (EIA Directive) on the assessment of the effects of certain public and private projects on the environment (Regulation 5, para. (2)(b)*
2. *in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Regulation 5, para. (3)*
3. *set the framework for future development consent of projects³ (Regulation 5, para. (4)(b)*
4. *are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Regulation 5, para. (4)(c)*

An environmental assessment need not be carried out for:

- a) *plans which determine the use of a small area⁴ at local level (Regulation 5, para. (6)(a); or*
- b) *plans which are a minor modification⁵ to a plan or programme (Regulation 5, para. (6)(b) unless it has been determined under regulation 9(1) that the plan is likely to have significant environmental effects.*

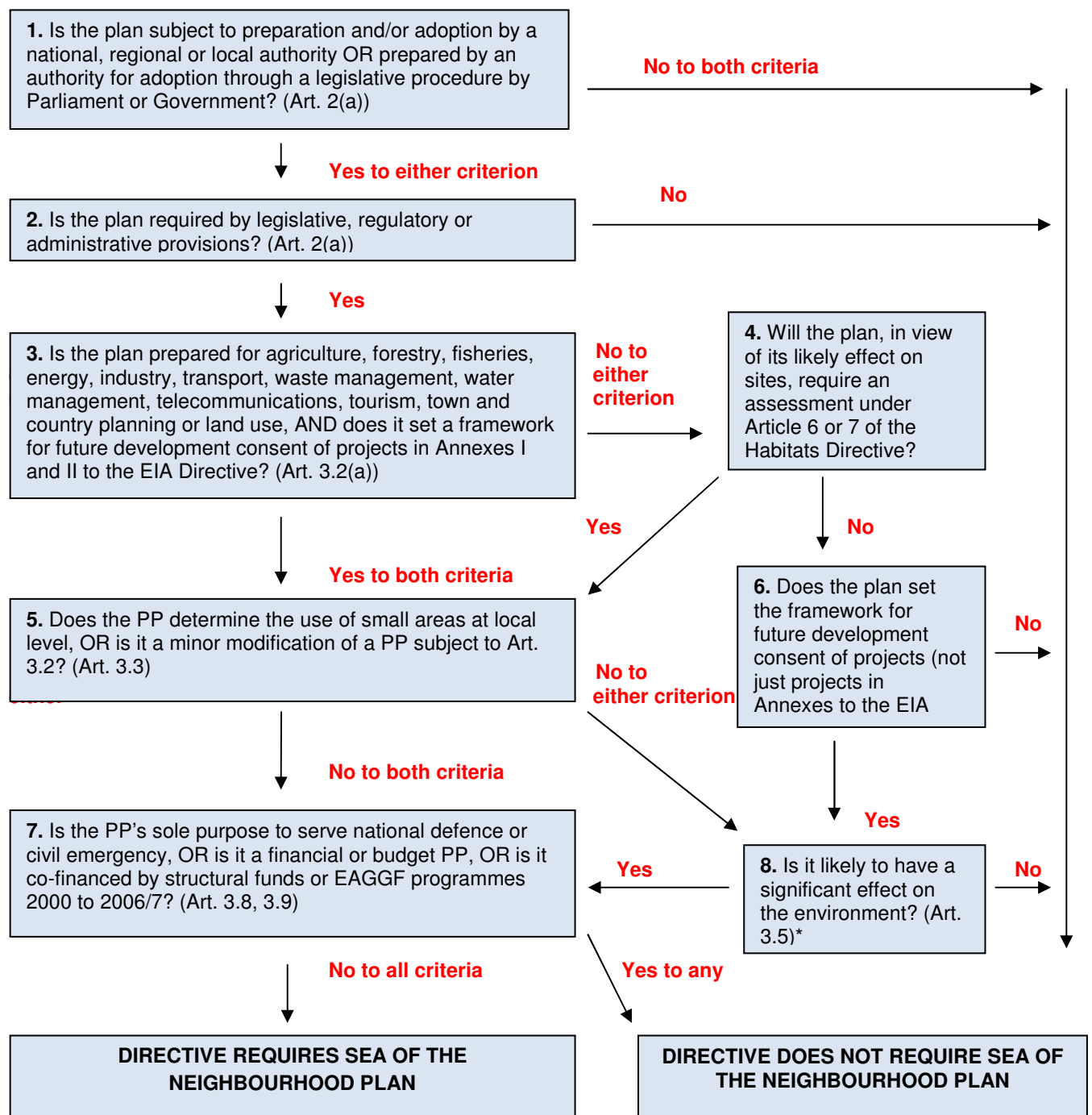
³ European Commission guidance states that plans and programmes which **set the framework for future development consent of projects** would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. **Development consent** is defined in the EIA Directive as "the decision of the competent authority or authorities which entitled the developer to proceed with the project" (Article 1(2) of the EIA Directive).

⁴ European Commission guidance suggests that **plans which determine the use of small areas at local level** might include "a building plan which, for a particular, limited area, outlines details of how buildings must be constructed, determining, for example, their height, width or design"

⁵ '**Minor modifications**' should be considered in the context of the plan or programme which is being modified and of the likelihood of their having significant environmental effects. A modification may be of such small order that it is unlikely to have significant environmental effects.

The diagram⁶ below shows the SEA Directive's field of application:

Application of the SEA Directive to neighbourhood plans



* Plans falling in this category (No.8) will be screened by B&NES Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis for neighbourhood plans coming forward in B&NES.

NB This diagram is intended as a guide to the criteria for application of the Directive to neighbourhood plans. It has no legal status.

⁶ Taken from *A Practical Guide to the Strategic Environmental Assessment Directive* (ODPM, 2005)

3. Claverton Neighbourhood Plan

Background

The parish of Claverton within Bath & North East Somerset (B&NES) are currently preparing a neighbourhood plan under the provisions of the Localism Act 2011.

Steering Group

In 2017, the Claverton Neighbourhood Plan Steering Group was set up to prepare the plan and is led by the parish council. The Group includes a cross section of community representatives that meet regularly to develop the draft plan.

Planning officers from B&NES Council have been informal members of the steering group and continue to act as 'link officers' in providing support and advice.

Neighbourhood area designation

The designation of the Claverton Neighbourhood Area was approved on 18th October 2017.

B&NES Council publicised the Claverton Neighbourhood Area application for consultation over a time period of 4 weeks from 1st September to 29th September 2017. No comments were received.

B&NES agree that the proposed Claverton Neighbourhood Area (illustrated in figure 1) is coherent, consistent and appropriate in planning terms.

The Claverton Neighbourhood Area application and designation documents are available to view online via the [B&NES Neighbourhood Plan webpage](#) and the Claverton Neighbourhood Plan webpage: <http://clavertonpc.org/index.php/category/neighbourhood-plan/>

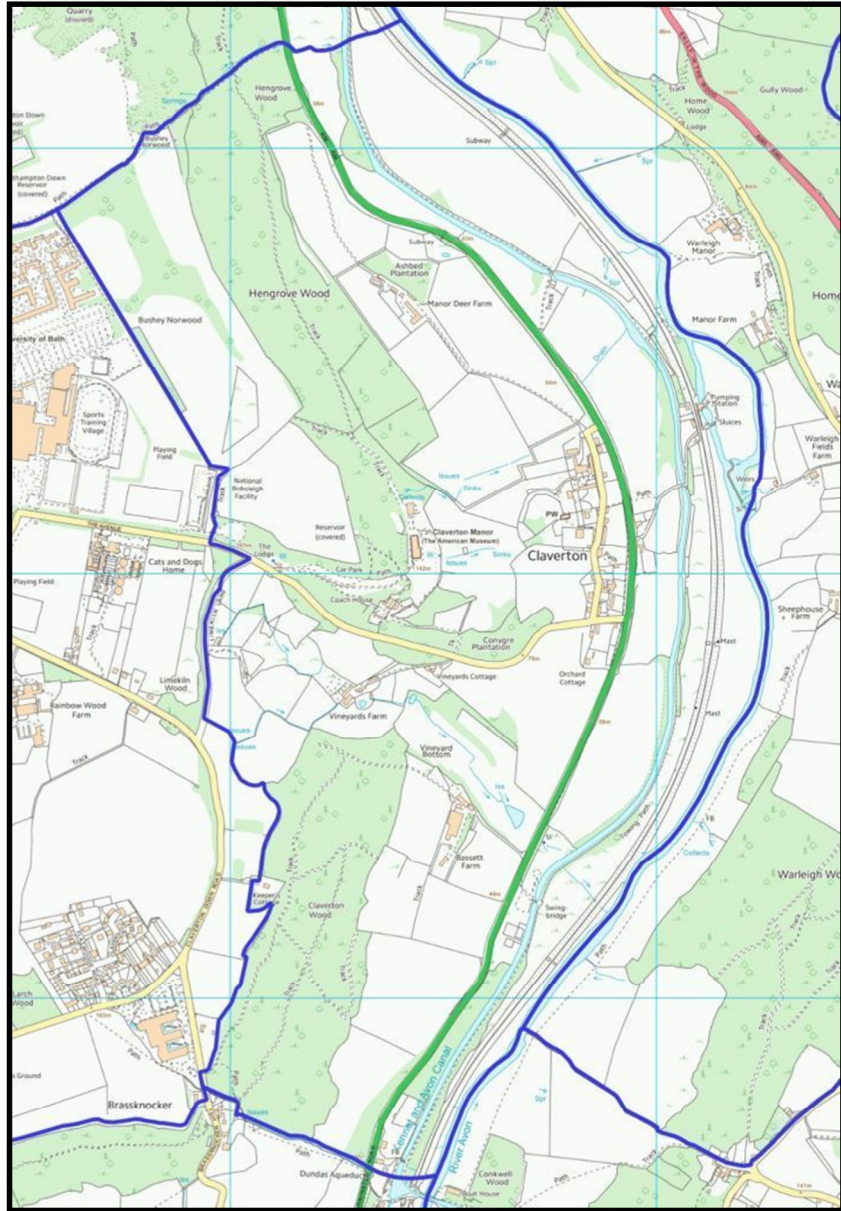


Figure 1 Map of the Claverton Neighbourhood Plan Area

Draft Claverton Neighbourhood Plan (October 2018)

The latest version of the Claverton Neighbourhood Plan (and supporting documents) is available to view online at: <http://clavertonpc.org/index.php/category/neighbourhood-plan/>

The development of the Neighbourhood Plan has been driven by extensive community engagement, as outlined in the pre-submission consultation document. Following this consultation, the parish council intend to submit their neighbourhood plan and supporting documents to B&NES Council in Spring 2019, for local authority consultation and then examination.

The emerging Neighbourhood Plan seeks to:

- Preserve and protect the rural valley and historical character of the Parish
- Maintain the integrity of the buildings to preserve the parish's historical setting and heritage
- Safeguard and enhance the biodiversity and natural habitat within the Parish and encourage measures to reduce its carbon footprint and increase resilience to climate change
- Support and enhance existing amenities and services within the Parish for the benefit of the community and other stakeholders while preserving its essential local character

Four key areas are being explored in the preparation of the plan:

- Planning and Development
- Buildings
- Environment
- Community Amenities

From these objectives, the plan takes forward 27 draft planning policies. Planning Officers at B&NES Council have been engaged with the neighbourhood plan throughout the plan making process. As part of this involvement, internal meetings were held by the steering group to discuss earlier drafts of the plan and identify potential issues at an early stage.

At this stage it is considered that the draft Claverton Neighbourhood Plan (and draft planning policies) broadly conform with higher level policy, including the National Planning Policy Framework, the B&NES Core Strategy, the Placemaking Plan and the emerging Joint Spatial Plan and Local Plan. The Core Strategy sets out the strategic objectives for B&NES, focussing on key issues and a delivery strategy for achieving these objectives, setting out how much development is intended to happen, where, when, and by what means it will be delivered.

The B&NES Development Plan (Core Strategy (2014) and Placemaking Plan (2017)) contains policies applicable to Claverton. Claverton has been identified as a village 'washed over' by the Green Belt. For settlements washed over by the Green Belt, Policy GB2 will apply as set out in the Green Belt Development Management Policies section, where development will be limited to infilling within the Housing Development Boundary. Any proposals outside the Housing Development Boundaries would be considered inappropriate development in the Green Belt and Core Strategy Policy CP8 would apply.

4. SEA Screening assessment

B&NES Council, as the 'Responsible Authority', consider that the Claverton Neighbourhood Plan falls within the scope of the SEA Regulations on the basis that it is a plan that:

- a)** is subject to preparation or adoption by an authority at national, regional or local level (Regulation 2);
- b)** is prepared for town and country planning or land use and it is a plan that sets the framework for future development consent of projects generally (Regulation 5, para. 4); and
- c)** will apply to a wider area other than a small area at local level and is not a minor modification to an existing plan or programme (Regulation 5, para. 6).

A determination under Regulation 9 is therefore required as to whether the Claverton Neighbourhood Plan is likely to have significant effects on the environment.

The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations includes two sets of characteristics for determining the likely significance of effects on the environment. These relate to i) the characteristics of the Claverton neighbourhood plan and ii) the characteristics of the effects and of the area likely to be affected by the Neighbourhood Plan. In making a determination, B&NES Council will take into account the criteria specified in Schedule I of the Regulations as follows:

1. The characteristics of the 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; and
- (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).

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 (for example, 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; or
 - (iii)** intensive land-use; and

(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

The screening assessment of the Claverton Neighbourhood Plan is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
1. The characteristics of plans , having regard, in particular, to:		
(a) the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	No	The neighbourhood plan promotes infill development and the development of brownfield sites in line with the NPPF. This is in accordance with Policy RA1 of the B&NES Core Strategy which has been subject to SEA.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The neighbourhood plan is produced by the local community to influence development at the local level. It does not influence Strategic plans higher up in the hierarchy.
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The neighbourhood plan is a land-use plan that promotes sustainable development; it is not specifically a plan for integrating environmental considerations.
(d) environmental problems relevant to the plan	No	The Plan in the introduction, and throughout the Plan, acknowledges the presence of protected wildlife species and seeks to protect these species. The plan does not allocate sites for development and is not promoting development over and above that contained within the adopted B&NES Core Strategy and Placemaking Plan which have been subject to SEA and HRA.
(e) the relevance of the plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	The neighbourhood plan is not relevant as a plan for implementing community legislation.
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	No	Any environmental effects are not considered to be significant judging by the proposals in the neighbourhood plan. Any effects of the limited amount of development proposed is likely to be localised and short-term and related to the construction stage.
(b) the cumulative nature of the effects	No	No cumulative effects considered to be significant.
(c) the transboundary nature of the effects	No	No transboundary effects considered likely to be significant.

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
(d) the risks to human health or the environment (for example, due to accidents)	No	No environmental effects considered likely to risk human health or the environment.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The neighbourhood plan covers one rural parish with an area of 271ha. A population of approximately 115 residents (ONS census 2011). Significant effects due to the geographic size of the area and population size are not considered likely.
(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;	No	<p>Claverton Parish is entirely in the Cotswold Area of Outstanding Beauty. In the 2003 Landscape Character Assessment the Parish is within: Area 16: Cotswolds Plateaux and Valleys, which describes a small area at the top of the valley; and Area 18: Bathford and Limpley Stoke Valley which describes the valley sides and floor. Key applicable characteristics of each character area are listed below:</p> <p>Area 16: Cotswolds Plateaux and Valleys: Open landscape on plateaux and more enclosed and intimate landscape within valleys; Open high Oolitic Limestone plateaux enclosed by dry stone walls and few trees; Narrow sunken winding lanes along the valley sides; Straight roads on the plateaux: Warm coloured Oolitic Limestone buildings and walls.</p> <p>Area 18: Bathford and Limpley Stoke Valley: Steep generally wooded valley sides; Meandering course of River Avon edged with groups of alder and willow; Important transport corridors; Settlements on valley sides; Extensive views across and along the valleys; Views contained by ridges and woodland each side of the valleys; Generally hedged field boundaries, some clipped and some unclipped; Several fields enclosed by walls; Impressive houses and smaller farmhouses usually of characteristic golden Oolitic Limestone on valley sides in wooded or parkland setting; Distinctive canal architecture including Dundas Aqueduct and bridges; Mill buildings and associated features such as mill races</p> <p>The importance of the cultural heritage of the area, including many ancient and listed buildings is acknowledged in the Neighbourhood Plan</p> <p>The Placemaking Plan Key principles include the need for new developments to be mindful of and sensitive to the physical and environmental context of the site and its location, and for the design, contemporary or traditional, to be a harmonious addition to the rural environment, complement the local built heritage, and sit well in the landscape. It is considered that the proposals put forward will not significantly affect the special natural characteristics or cultural heritage of the area, or lead to an exceedance of environmental quality standards.</p>

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	There are national and European landscape/biodiversity designations within and on the edge of the plan area. However, the limited proposals of the neighbourhood plan that accord with the emerging Core Strategy of the local authority and are not considered likely to lead to significant effects on these designations. The B&NES Core Strategy and Placemaking Plan have both been subject to SEA and HRA and this plan does not propose anything over and above what is contained in those higher-level plans.

5. SEA Screening decision

Regulation 9 of the SEA Regulations requires that the responsible authority shall determine whether or not a plan is likely to have significant environmental effects. The responsible authority shall —

- (a) take into account the criteria specified in Schedule 1 to these Regulations; and
- (b) consult the consultation bodies.

Where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination.

B&NES Council consider that the proposed Claverton Neighbourhood Plan is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment. This decision is made for the following key reasons:

1. The neighbourhood plan proposals are considered to be in general conformity with the Core Strategy documents of Bath & North East Somerset Council and this has been subject to SEA and HRA assessments.
2. The neighbourhood plan is not proposing additional development over and above that described in the emerging Core Strategy document. Claverton is described as a 'village washed over by the green belt' in the adopted planning policy. The neighbourhood plan explains that 'limited infill' development within the village housing development boundary will be subject to the usual controls and restrictions of the adopted Core Strategy and Placemaking Plan.
3. The Draft HRA screening has confirmed that The Draft HRA that there are opportunities for impact avoidance and mitigation which have been incorporated into the draft Neighbourhood Plan.

This Draft Screening Report has been sent to Natural England, Environment Agency and Historic England for their opinions.

Appendix 1: Responses from Natural England, English Heritage and the Environment Agency

George Blanchard

From: Stonehouse, Simon <Simon.Stonehouse@naturalengland.org.uk>
Sent: 17 April 2019 09:21
To: George Blanchard; SM-NE-Consultations (NE)
Subject: RE: Claverton Neighbourhood Plan - Draft SEA and HRA Screening

Dear George

Apologies for not responding sooner.

Natural England supports the conclusions of the draft SEA and HRA screening for the above Plan. Given that the Neighbourhood Plan does not allocate sites for development and is accordance with Local Plan policy framework, Natural England has no concerns regarding natural environment interests.

Kind regards
Simon

Simon Stonehouse
Senior Planning Adviser
Somerset, Avon & Wiltshire Team

Natural England
Horizon House
Deanery Road
Bristol BS1 5AH

tel: 020 802 66915 mob: 07900 608072

From: George Blanchard [mailto:George_Blanchard@BATHNES.GOV.UK]
Sent: 16 April 2019 12:35
To: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Cc: Stonehouse, Simon <Simon.Stonehouse@naturalengland.org.uk>
Subject: FW: Claverton Neighbourhood Plan - Draft SEA and HRA Screening

Dear Natural England

Please can I check if you have comments to make regarding the SEA and HRA Screening for Claverton NDP?

Simon, I have copied you in as I understand that you provided comments to the NDP group for their Regulation 14 consultation

Kind regards

George

George Blanchard
Planning Officer - Planning Policy
Bath and North East Somerset Council
Tel. 01225 477684
Email: george_blanchard@bathnes.gov.uk

George Blanchard

From: Stuart, David <David.Stuart@HistoricEngland.org.uk>
Sent: 09 April 2019 16:15
To: George Blanchard
Subject: RE: Claverton Neighbourhood Plan - Draft SEA and HRA Screening

Dear George

Thank you for your consultation on the SEA Screening for the Claverton Neighbourhood Plan.

I can confirm that we have no objection to the view that an SEA is not required.

Kind regards

David

David Stuart | Historic Places Adviser South West
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

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From: George Blanchard [mailto:George_Blanchard@BATHNES.GOV.UK]
Sent: 01 March 2019 14:29
To: 'enquiries@environment-agency.gov.uk'; 'consultations@naturalengland.org.uk'; Historic England South West
Cc: 'Simon.Stonehouse@naturalengland.org.uk'; Stuart, David
Subject: Claverton Neighbourhood Plan - Draft SEA and HRA Screening

Dear Consultee,

Please find attached a Draft SEA and HRA Screening for the Claverton Neighbourhood Plan Area. This SEA and HRA Report have been prepared on behalf of Claverton Parish Council by Bath and North East Somerset Council. Please note that this is still an emerging plan, the Steering Group completed their Reg. 14 consultation in October 2018 and plan to submit their plan later this year. I have also attached the current working draft of the Neighbourhood Plan to this email.

I would greatly appreciate your comments on this Draft SEA and HRA by the 5th of April 2019. If you are unable to make this deadline or if you have no comments please can you let me know by email or on the telephone number below.

Kind regards

Mr George Blanchard
Bath & North East Somerset Council
Planning Services
Lewis House
Manvers Street
Bath
BA1 1JG

Our ref: WX/2006/000220/OR-
10/IS1-L01
Your ref: 190306/msr06
Date: 04 April 2019

Dear Mr Blanchard

Claverton Neighbourhood Plan - Draft SEA and HRA Screening

Thank you for your consultation. I am responding on behalf of my colleague Mark Willitts who covers Bath and North East Somerset (B&NES) District Council area.

Environment Agency Position

On the basis of the information provided, we agree with the interpretation provided. We are of the view that the proposed Claverton Neighbourhood Plan is unlikely to have significant environmental effects and therefore a Strategic Environmental Assessment (SEA) is not required. We will provide further advice at scoping stage.

Other considerations

We have not carried out a detailed review of the draft neighbourhood plan at this stage. We welcome the opportunity for further engagement as the plan progresses towards submission. In particular, we advise the plan should consider how environmental net gain can be achieved.

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the National Policy Framework (NPPF) (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise that developers should follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the area can be retained or enhanced or what new features could be incorporated into any development proposal. It would be advisable for the emerging plan to reference how this can be secure and thus enhance existing local and national planning policy

Please do not hesitate to contact the undersigned direct should you have any further queries.

Yours sincerely

Richard Jenkyns on behalf of Mark Willitts
Sustainable Places - Planning Advisor

Direct dial 02030 250290
e-mail nwx.sp@environment-agency.gov.uk

Environment Agency
Rivers House East Quay, Bridgwater, Somerset, TA6 4YS.
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End