

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

**May 2015**

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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 Englishcombe Neighbourhood Plan.

Bath & North East Somerset, as the 'Responsible Authority' under the SEA Regulations<sup>1</sup>, are responsible for undertaking this screening process of the Englishcombe 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/EC<sup>2</sup>, often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations.

## 2. Legislative requirements

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<sup>1</sup> The Environmental Assessment of Plans and Programmes Regulations 2004

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

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 projects<sup>3</sup> (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 area<sup>4</sup> at local level (Regulation 5, para. (6)(a); or*
- b) *plans which are a minor modification<sup>5</sup> 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.*

The diagram<sup>6</sup> below shows the SEA Directive's field of application:

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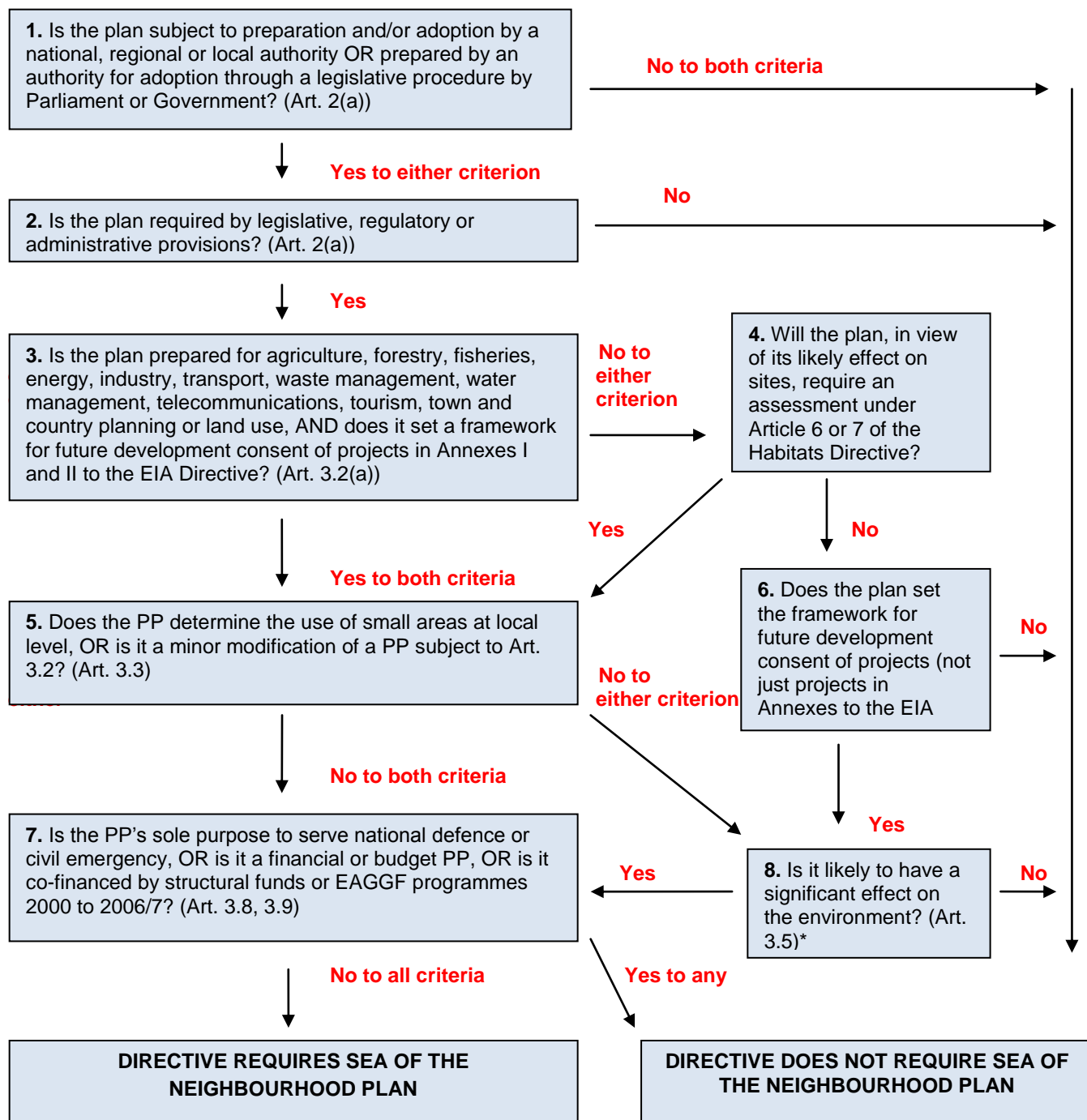
<sup>3</sup> European Commission guidance states that plans and programmes which **set the framework for future development consent of projects** would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. **Development consent** 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).

<sup>4</sup> 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"

<sup>5</sup> '**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.

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

## 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.

### **3. The Englishcombe Neighbourhood Plan**

#### **Background**

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

The emerging Neighbourhood Plan seeks to identify non-strategic development to provide limited new housing and support the existing and new business in Englishcombe.

#### **Steering Group**

In 2013, the Englishcombe 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 Englishcombe Neighbourhood Area was approved on 15<sup>th</sup> March 2013.

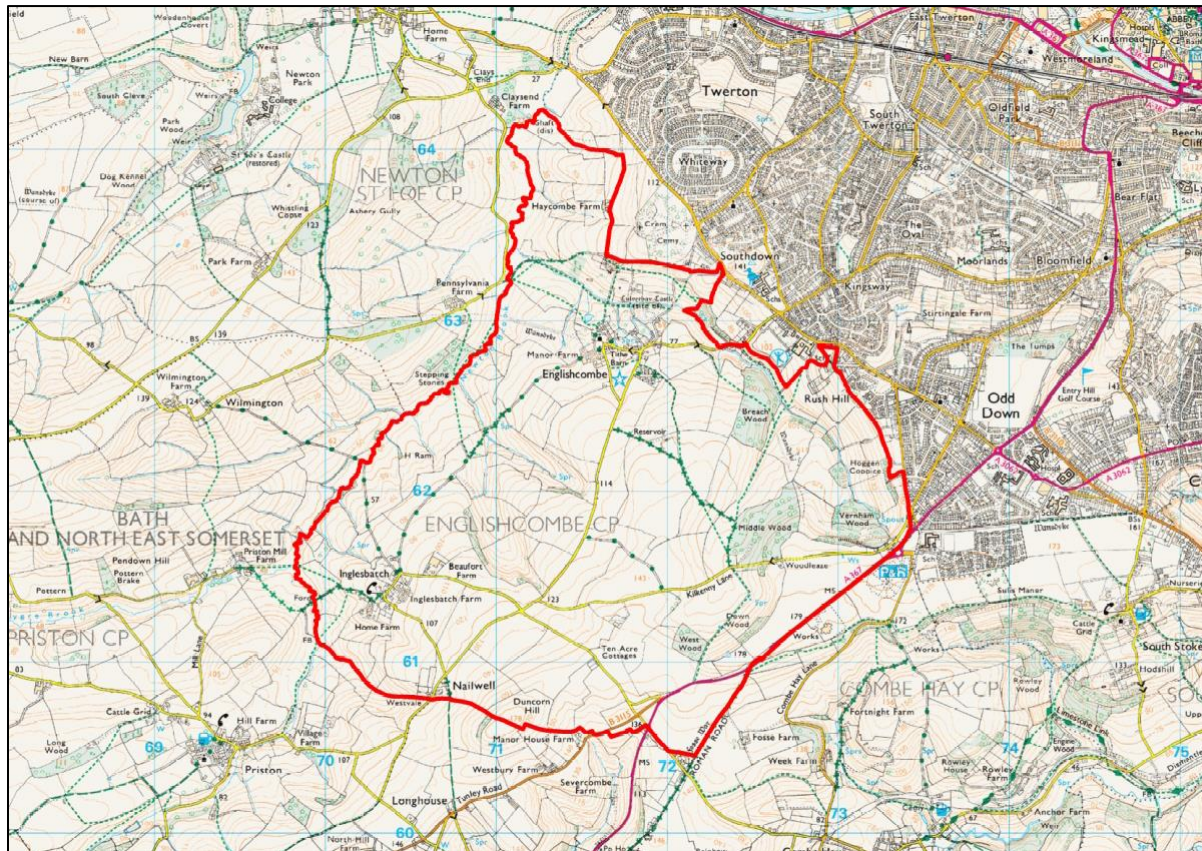
B&NES Council publicised the Englishcombe Neighbourhood Area application for consultation over a time period of 6 weeks from 9am 7<sup>th</sup> January until 5pm on 21<sup>st</sup> February 2013. In total no responses and no objections were made within the consultation period.

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

The Englishcombe Neighbourhood Area application and designation documents are available to view online at:

<http://www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/neighbourhood-planning-protocol-my#two>

Figure 1 Map of the Englishcombe Neighbourhood Plan Area



## Draft Englishcombe Neighbourhood Plan (May 2015)

The latest version of the Draft Englishcombe Neighbourhood Plan (and supporting documents) is available to view online at: [XXXX](#)

The development of the Neighbourhood Plan has been driven by extensive community engagement, as outlined in the draft plan and consultation statement. This work will culminate into a six week pre-submission consultation on the plan between XX June 2015 and XX July 2015. Following this consultation, the parish council intend to submit their neighbourhood plan and supporting documents to B&NES Council in July/August 2015, for local authority consultation and then examination.

The draft Englishcombe Neighbourhood Plan has five key themes / objectives: planning and development, environment, facilities, services and amenities, transport and movement and telecommunications.

From these objectives, the plan takes forward 17 draft planning policies which relate to:

- Planning and Development
- Rural Environment
- Village Environment
- Climate Change
- Facilities, Services and Amenities
- Transport and Movement
- Telecommunications

The draft policies proposed can be summarised as:

- **P&D1:** Existing and future businesses
- **P&D2:** Re-use of buildings
- **P&D3:** Building size and type
- **P&D4:** Community Infrastructure Levy
- **P&D5:** Lighting
- **RE1:** Re-use of farm buildings
- **RE2:** Hedgerows
- **RE3:** Trees
- **RE4:** Development and tree surveys
- **VE1:** Housing Development Boundaries
- **VE2:** Development boundaries
- **FSA&1:** New Community Building
- **C&C 1:** Sustainable building materials
- **C&C 2:** Energy generation
- **C&C3:** Energy efficiently
- **T&M1:** Parking
- **T&C1:** Telecommunications

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 in December 2014 to discuss an earlier draft of the plan and identify potential issues at an early stage.



At this stage it is considered that the draft Englishcombe Neighbourhood Plan (and draft planning policies) broadly conform with higher level policy, including the National Planning Policy Framework (NPPF) and the B&NES Core Strategy. The Core Strategy set 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 Local Plan 2007 and the adopted B&NES Core Strategy identifies Englishcombe as a 'RA3 village' or a 'village washed over by the Green Belt' and development will be limited to in-fill sites, redevelopment of brownfield land and replacement of existing dwellings which is in accordance with Paragraph 89 of the National Planning Policy Framework.

#### **4. SEA Screening assessment**

B&NES Council, as the 'Responsible Authority', consider that the Englishcombe 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 Englishcombe 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 Englishcombe neighbourhood plan and ii) the characteristics of the effects and of the area likely to be affected by the Englishcombeneighbourhood 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 Englishcombe Neighbourhood Plan is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
<b>1. The characteristics of plans , having regard, in particular, to:</b>		
(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 or on a greenfield exception site. This is in accordance with the NPPF and with the B&NES Core Strategy which has been subject to a 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. Policy C&C1 seeks to incorporate sustainable and natural building materials in to all new developments and the Plan supports the re-use of redundant and derelict buildings. This re-use of redundant and derelict buildings will facilitate a reduction in the need for Green Belt land for housing development.
(d) environmental problems relevant to the plan	No	<p>The Draft HRA Screening identified that there are opportunities for bats roosts in the redundant buildings within the Parish and there is potential harm for bats flying to and from the SACs outside of the parish. Further the Plan support renewable energy generation and this could have an impact on bats.</p> <p>The draft Plan includes measures to protect bat roosts and there are details of how energy generation will avoid and mitigate harm to bats. There is also a reference to protect bats and other European species.</p>
(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.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
(a) the probability, duration, frequency and reversibility of the effects	No	<p>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.</p> <p>The Draft HRA screening identified opportunities for impact avoidance and mitigation which have been incorporated into the draft Englishcombe Plan.</p>
(b) the cumulative nature of the effects	No	No cumulative effects considered to be significant.
(c) the transboundary nature of the effects		No transboundary effects considered likely to be significant.
(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 714ha <sup>2</sup> . A population of approximately 318 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	The neighbourhood plan has draft policies which seek to protect the rural character of the parish including the ancient hedgerows and trees. P&D 3 seeks to support re-development of buildings which does not have an impact on the Green Belt or on the historical buildings within the Parish. Further there is a policy in the draft Plan which seeks to protect European species from light pollution and lighting spill into the wider countryside. 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.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	<p>There are national and European landscape/biodiversity designations (Green Belt, Cotswold AONB) 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&amp;NES Core Strategies 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.</p> <p>The Draft HRA screening identified opportunities for impact avoidance and mitigation which have been incorporated into the draft Englishcombe Plan.</p>

## 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 Englishcombe 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. Englishcombe is described as a 'village washed over by the Green Belt' in the adopted planning policy. Englishcombe are seeking redevelopment of derelict building and brownfield redevelopment only which is in accordance with the NPPF. The neighbourhood plans 'limited infill' development within the village housing development boundary will be subject to the usual controls and restrictions of the adopted Core Strategy.
3. The Draft HRA screening has confirmed that there are opportunities for impact avoidance and mitigation which have been incorporated into the draft Englishcombe Plan.

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