

**Strategic Environmental Assessment - Screening determination for
the Publow with Pensford Neighbourhood Plan**

May 2016

Contents

1. Introduction
2. Legislative requirements
3. The Publow with Pensford Neighbourhood Plan
4. SEA Screening assessment
5. SEA Screening decision

1. Introduction

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

Bath & North East Somerset, as the 'Responsible Authority' under the SEA Regulations¹, are responsible for undertaking this screening process of the Publow with Pensford 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.

2. Legislative requirements

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*"

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.*

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

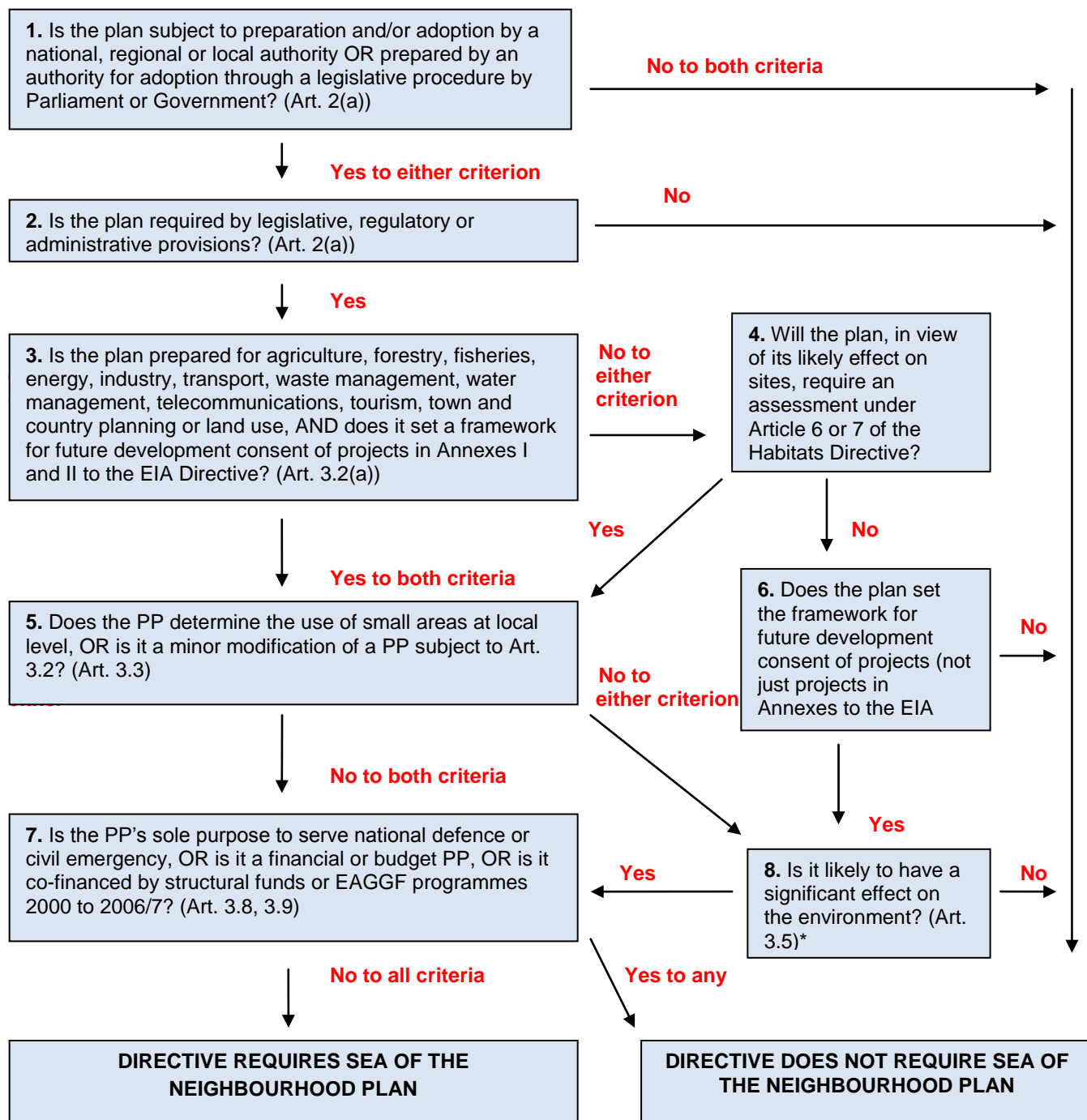
³ European Commission guidance states that plans and programmes which **set the framework for future development consent of projects** would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. **Development consent** is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

⁶ 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 Publow with Pensford Neighbourhood Plan

Background

The parish of Publow with Pensford is 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 support good design and development which respects the Green Belt in Publow with Pensford.

Steering Group

In February 2015, the Publow with Pensford 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 Publow with Pensford Neighbourhood Area was approved on 11th February 2015.

B&NES Council publicised the Publow with Pensford Neighbourhood Area application for consultation over a time period of 6 weeks from 9am on 11th December 2014 to 5pm 22nd January 2015. No representations were received.

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

The Publow with Pensford Neighbourhood Area application and designation documents are available to view online at: [Publow with Pensford Designation Report \(2015\)](#)

Figure 1 Map of the Publow with Pensford Neighbourhood Plan Area



Draft Publow with Pensford Neighbourhood Plan (May 2016)

The development of the Publow with Pensford Neighbourhood Plan has been driven by extensive community engagement. This work will culminate into a six week pre-submission consultation on the plan between June and September 2016. Following this consultation, the parish council intend to submit their neighbourhood plan and supporting documents to B&NES Council in September/October 2016, for local authority consultation and then examination.

The draft Publow with Pensford Neighbourhood Plan identifies the following vision:

“Our Plan seeks to ensure that our Parish continues to thrive and remains an attractive place to live work and visit. We wish to ensure that future generations will benefit from improved and sustainable facilities and that the distinctive rural nature of the Parish is maintained and protected.”

The plan also identifies four key themes /objectives: Housing and Development, Business and Technology, Environment and Leisure and Traffic and Transport.

From these objectives, the plan takes forward 8 draft planning policies which relate to:

- Housing and Development
- Business and Technology

The Plan also contains Action Policies which relate to:

- Environment and Leisure

- Traffic and Transport

The draft policies proposed can be summarised as:

- Housing and Development Policy 1 Housing Development
- Housing and Development Policy 2 Affordable Housing
- Housing and Development Policy 4 Parking
- Housing and Development Policy 5 Sustainability
- Housing and Development Policy 6 Lighting
- Business and Technology Policy 1
- Business and Technology Policy 2

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 council in February 2015 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 Publow with Pensford 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 Publow with Pensford as a 'village washed over by the Green Belt' and as such has no site allocations or housing requirements other than limited in-filing within the housing development boundary.

4. SEA Screening assessment

B&NES Council, as the 'Responsible Authority', consider that the Publow with Pensford 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 Publow with Pensford 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 Publow with Pensford neighbourhood plan and ii) the characteristics of the effects and of the area likely to be affected by the Publow with Pensford. 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 Publow with Pensford 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 limited infill development sites which are in line with the NPPF. This is in accordance with 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. The plan in the introduction and throughout the Plan acknowledges that part of the parishes location within Green Belt and the presence of protected wildlife species and seeks to protect these species.
(d) environmental problems relevant to the plan	No	The Plan in the introduction acknowledges the parishes location within the Green Belt and the presence of protected wildlife species and seeks to protect these species. This Plan will be subject to a HRA screening.
(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. Only approximately 5 dwellings are proposed in the first 5 years of the plan. The Draft HRA screening identified opportunities for impact avoidance and mitigation which have been incorporated into the draft Publow with Pensford Plan.
(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.

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 704ha. A population of approximately 1,119 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>The neighbourhood plan is located in the Chew Valley Landscape Character Area which is characterised by Low lying and undulating valley of the River Chew.</p> <p>The importance of the cultural heritage of the area, including many ancient and listed buildings is acknowledged in the Publow with Pensford character assessment and the sustainability appraisal which is a evidence base for the 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>
(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 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 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 Publow with Pensford.</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 Publow with Pensford 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. Publow with Pensford is described as a 'village washed over by the Green Belt' in the adopted planning policy. Publow with Pensford has no housing allocation figures to satisfy and development is limited to infill development. 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.
3. The Draft HRA screening has confirmed that The Draft HRA that there is no need to make any changes on the Draft Publow with Pensford Plan.

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

Appendix 1: Responses to the Screening Decision and Habitats Regulations Assessment

From: Stuart, David [mailto:David.Stuart@HistoricEngland.org.uk]

Sent: 29 June 2016 17:34

To: Julie O'Rourke

Subject: Draft SEA Screening Report and Draft HRA for the Publow with Pensford Neighbourhood Plan Area

Dear Julie

Thank you for your consultation on the SEA Screening Report for the emerging Publow with Pensford Neighbourhood Plan. Our apologies for not responding before now.

I can confirm that we have no objection to the conclusion that an SEA will not be required. Having considered the envisioned scope of the Plan and the absence of site allocations it is likely that we shall be happy to leave consideration of heritage matters to the discretion of your authority.

In the meantime, as this is our first involvement with this Plan, I have attached a schedule of sources of further information and a heritage checklist should the community wish to review this aspect of the Plan's content. We would be grateful if you could forward this information to the relevant community contact.

Kind regards

David

David Stuart | Historic Places Adviser South West

Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

Historic England | 29 Queen Square | Bristol | BS1 4ND

We have launched four new, paid-for Enhanced Advisory Services, providing enhancements to our existing free planning and listing services. For more information on the new Enhanced Advisory Services as well as our free services go to our website: HistoricEngland.org.uk/EAS

From: Howell, Alison (NE) [mailto:Alison.Howell@naturalengland.org.uk]

Sent: 27 June 2016 13:52

To: Julie O'Rourke

Subject: Draft SEA Screening Report and Draft HRA for the Publow with Pensford Neighbourhood Plan Area

Dear Julie

Thank you for consulting Natural England on this SEA Screening report and draft HRA and my apologies for being slightly late with this response. We concur with the Council's conclusions.

Regards

Alison

Alison Howell

Lead Advisor

Sustainable Development (Somerset, Avon, Wiltshire)

(Part time - Monday, Tuesday and Thursday 09.30-14.30)

Tel: 07867 900 281

Natural England, Temple Quay House, 2 The Square, Bristol BS1 6DG.

<http://www.gov.uk/natural-england>

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England offers two chargeable services that help proposers ensure that their projects have considered the natural environment as early as possible. This increases the chances of good outcomes for the project and for the environment.

The Discretionary Advice Service ([DAS](#)) provides a range of advice on development proposals and the Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meeting and attend via audio, video or web conferencing.

Natural England is accredited to the Cabinet Office Customer Service Excellence Standard

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.