



Strategic Environmental Assessment – Osgodby Neighbourhood Plan

Osgodby Neighbourhood Plan

2017 - 2036

On Behalf of Osgodby Parish Council

Date of Assessment:	23/08/2017
Date/ Version of neighbourhood development plan to which Screening Report applies:	Osgodby Neighbourhood Plan – Regulation 14 Draft Submission received 21/07/2017.

Contents

1	Introduction	3
2	Legislative Background	3
3	Criteria for Assessing the Effects of Neighbourhood Development Plans.....	5
4	Assessment	6
5	Consultation of Statutory Agencies	12
6	Screening Outcome.....	13

1 Introduction

- 1.1 This screening report determines whether or not the contents of the Osgodby *Neighbourhood Plan* (ONP) requires a Strategic Environmental Assessment (SEA), in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 The objectives of the ONP are –
- *To appropriately manage new developments in a way that benefits the wider community and sustainability of the Parish.*
 - *To identify areas suitable to deliver new housing development within the Parish.*
 - *To support the creation of appropriate new employment uses within the Parish, including tourism opportunities.*
 - *To protect and support the enhancement of our public open spaces and green infrastructure, including our public rights of way and landscape quality*
 - *To identify and support the protection of our heritage assets*
 - *To protect and support the creation of new community facilities in the Parish.*
- 1.3 Details of the legislation that require the need for this screening exercise and the SEA screening assessment criteria are outlined in sections 2 and 3 of this report respectively. Section 4, screens the ONP against the criteria in section 3 and determines whether the plan is likely to have significant environmental effects and if a full SEA is required.

2 Legislative Background

- 2.1 The Localism Act 2011 (Schedule 9) introduced neighbourhood planning into the Town and Country Planning Act 1990. The 1990 Act, as amended by Schedule 10 of the Localism Act 2011, requires that neighbourhood development plans meet a set of basic conditions, one of which being that the making of the plan does not breach, and is otherwise compatible with, EU obligations.
- 2.2 To ensure that a Neighbourhood Plan meets this basic condition, a Strategic Environmental Assessment (SEA) may be required to determine the likely significant environmental effects of implementing the Neighbourhood Plan. The basis for Strategic Environmental legislation is European Directive 2001/42/EC, which was transposed into domestic law by the Environmental Assessment of Plans and Programmes Regulations 2004, or ‘SEA Regulations’. Detailed Guidance of these regulations can be found in the Government publication ‘A Practical Guide to the Strategic Environmental Assessment Directive’ (ODPM 2005).

- 2.3 Where a proposed plan is likely to have a significant effect on a European site or European offshore marine site (in relation to the Habitats Directive), this will also trigger the need to undertake a Strategic Environmental Assessment. Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an appropriate assessment. To achieve this, paragraph 1 of schedule 2 of the Neighbourhood Planning (General) Regulations 2012 prescribes a basic condition that the making of a Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site. Paragraphs 2 to 5 go on to amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and plans.
- 2.4 This report screens the ONP against various criteria to determine if a SEA is required. A SEA would assess the Neighbourhood Plan against the European legislation outlined above, and would conclude whether the plan does not breach, and is otherwise compatible with, EU obligations with regards to the environment.

3 Criteria for Assessing the Effects of Neighbourhood Development Plans

3.1 Article 3(5) of Directive 2001/42/EC details the criteria for determining whether plans are likely to have significant environmental effects. This criteria is outlined below;

Article 3, Scope

5. Member States shall determine whether plans or programmes referred to in paragraphs 3 and 4 are likely to have significant environmental effects either through case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose Member States shall in all cases take into account relevant criteria set out in Annex II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by this Directive.

Annex II Criteria for determining the likely significance of effects referred to in Article 3(5)

1. The characteristics of plans and programmes, having regard, in particular, to –

- 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;
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
- environmental problems relevant to the plan or programme;
- 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 –

- the probability, duration, frequency and reversibility of the effects;
- the cumulative nature of the effects;
- the transboundary nature of the effects;

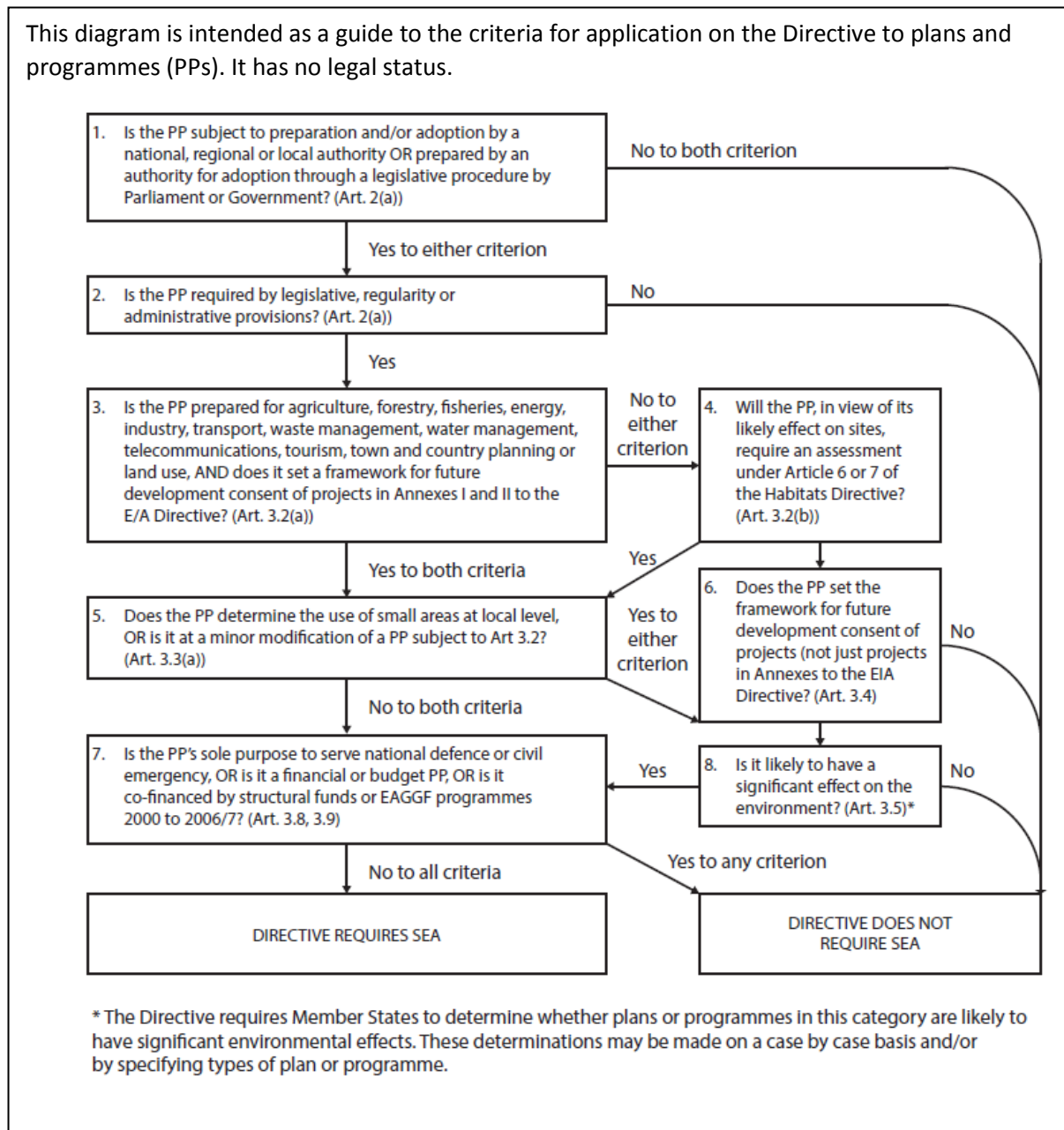
- the risks to human health or the environment (e.g. due to accidents);
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage;
 - exceeded environmental quality standards or limit values;
 - intensive land-use;
- the effects on areas or landscapes which have a recognised national, Community or international protection status.
- the cumulative nature of the effects;

4 Assessment

- 4.1 The Department of the Environment has produced a flow chart diagram¹ which sets out the process for screening a planning document to ascertain whether a full SEA is required. See Figure 1 below.
- 4.2 Annexes I and II of Directive 2011/92/EU (as referred to in Figure 1, question 3) can be found here: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0092&from=EN>
- (See <http://ec.europa.eu/environment/eia/eia-legalcontext.htm> for details of amendments).
- 4.3 Articles 6 and 7 of the Habitats Directive (as referred to in Figure 1, question 4) can be found here: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>

¹ Department of the Environment, A Practical Guide to the Strategic Environmental Assessment Directive (2005)

Figure 1: Application of the SEA Directive to plans and programmes



The process outlined in Figure 1 has been undertaken for the ONP and the findings are outlined in Table 1. As the questions have been answered using the flow diagram above, some of the questions may not be applicable as a result of previous answers: where this is the case, the response is stated as 'not applicable'.

Table 1: Assessment of Osgodby Neighbourhood Plan against Figure 1

<u>Criteria/Stage</u>	<u>Response:</u> <u>Yes/ No/ Not</u> <u>applicable</u>	<u>Details</u>
1. Is the Neighbourhood Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government?	<u>Yes</u>	The preparation and adoption of the ONP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Whilst the ONP has been prepared on behalf of Osgodby Parish Council it will be adopted by West Lindsey District Council as the local authority. GO TO STAGE 2
2. Is the Neighbourhood Plan required by legislative, regulatory or administrative provisions?	<u>Yes</u>	Whilst the production of a Neighbourhood Plan is not a statutory requirement and is optional, it will, if made, form part of the Development Plan for the District. It is therefore important that this screening process considers the potential effects. GO TO STAGE 3
3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive?	<u>Yes</u>	The ONP is being prepared for town and country planning and land use and does set a framework for future development proposals. GO TO STAGE 4
4. Will the Neighbourhood Plan, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive?	<u>No</u>	The ONP will not have any effects on sites and as such will not require an assessment under Articles 6 and 7 of the Habitats Directive. GO TO STAGE 6
5. Does the Neighbourhood Plan determine the use of small areas at local level, OR	<u>N/A</u>	

is it a minor modification of a Plan subject to Article 3.2?		
6. Does the Neighbourhood Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)?	<u>Yes</u>	The ONP will set the framework for development consents in the neighbourhood area. GO TO STAGE 8
7. Is the Neighbourhood Plan's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7?	<u>N/A</u>	
8. Is it likely to have a significant effect on the environment?	<u>No</u>	<p>The scope of the proposed ONP and the geographical area to which it applies is limited to the parish boundary. The ONP does not seek to allocate any sites for development, but provides guidance to be used to determine applications should they come forward.</p> <p>The proposed policies are mainly seeking to protect character or relating to uses or sites that are unlikely to result in development that will have a significant environmental impact.</p> <p>It is not considered likely to have a significant impact on any Natura 2000 site.</p> <p>(See Table 2: Assessment of the likely significant effects on the environment).</p>
<u>Outcome</u>	<u>SEA not required</u>	

Table 2: Assessment of the likely significant effects on the environment

Step 8

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	West Lindsey District Council Assessment	Likely significant environmental effect?
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;	The ONP would, if adopted, form part of the Statutory Development Plan and as such does contribute to the framework for future development projects. However, the ONP would only apply to a very limited geographical area (parish boundary), where few proposals are anticipated.	<u>No</u>
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The ONP is required to be in general conformity with the strategic policies contained within development plan for the Local area, in this case the Central Lincolnshire Local Plan (CLLP). There is no requirement for any replacement CLLP to conform to the policies of the ONP.	<u>No</u>
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The proposed ONP includes policies which seek to preserve green spaces, dark skies and enhance green infrastructure. It is therefore considered that the Draft Plan does integrate environmental considerations with a view to promoting sustainable development.	<u>No</u>
(d) environmental problems relevant to the plan or programme; and	The northern edge of the built up area of Osgodby is located within a designated flood zone. However, there	<u>No</u>

	are no specific implications for these areas in the draft plan.	
(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).	The ONP is not directly relevant to the implementation of any European legislation.	<u>No</u>
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;	Whilst effects of the ONP may not be reversible they are anticipated to be minimal, in terms of probability, duration and frequency.	<u>No</u>
(b) the cumulative nature of the effects;	The cumulative effects of the plan are expected to be limited.	<u>No</u>
(c) the transboundary nature of the effects;	It is not anticipated that any effects will be transboundary.	<u>No</u>
(d) the risks to human health or the environment (for example, due to accidents);	There are no significant risks anticipated, and it is considered that the ONP will enhance human health and the environment.	<u>No</u>
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The ONP area is very local in extent and the plan will only apply to a population in the region of 610 people and a geographical area of 1,782ha. Any effects of the plan will only be local.	<u>No</u>
(f) the value and vulnerability of the area likely to be affected due to—	The ONP does not allocate sites and it promotes the protection of the built and natural environment.	<u>No</u>

<p>(i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and</p>	<p>One draft policy actively seeks to ensure that development responds to the existing surrounding character. Any effects of the plan are expected to be positive on these characteristics.</p>	
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>Any effects of the plan are expected to be positive.</p>	<p><u>No</u></p>

5 Consultation of Statutory Agencies

- 5.1 The assessment in section 4 indicates that it is unlikely that there will be any significant environmental effects arising from the ONP (as submitted at the date of this assessment) and thus a SEA is not required. The relevant Statutory Agencies, namely the Environment Agency, Historic England and Natural England, have been consulted on this screening report on the ONP in its current form.
- 5.2 The responses received during this consultation are detailed below:

The Environment agency -

We inspected the information submitted and consider that the proposal is unlikely to have significant effects on the environment which are of interest to the Environment Agency.

Historic England –

On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required.

Natural England -

Natural England notes and concurs with the screening outcome i.e. that no SEA is required.

6 Screening Outcome

- 6.1 As a result of the assessment in section 4, West Lindsey District Council considers it unlikely that there will be any significant environmental effects arising from the Osgodby Neighbourhood Plan, as submitted at the date of this assessment. As such, based on the contents of the draft Osgodby Neighbourhood Plan, on which this screening was undertaken, a full SEA does not need to be undertaken.
- 6.2 **If the objectives, aims and/ or policies covered by the ONP should change (other than minor changes), or specific sites are allocated for development, this screening process should be repeated for the revised plan. Please contact West Lindsey District Council for advice in such instance.**