

**Strategic Environmental Assessment - Screening determination for  
the Stowey Sutton Neighbourhood Plan**

**September 2014**

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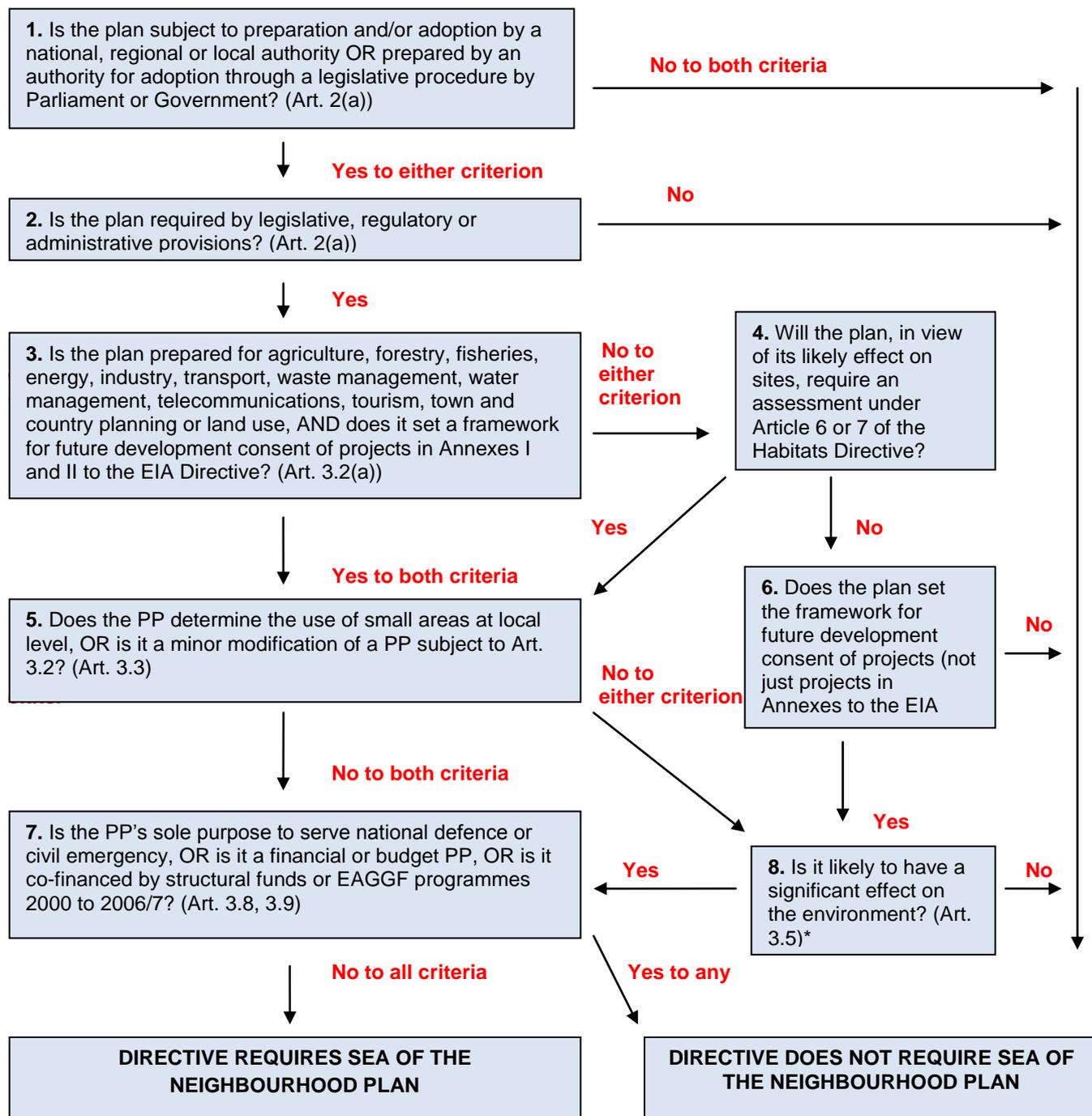
<sup>3</sup> European Commission guidance states that plans and programmes which **set the framework for future development consent of projects** would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. **Development consent**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

#### **Background**

The parish of Stowey Sutton 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 the viability and vitality of community facilities in Stowey Sutton.

#### **Steering Group**

In 2013, the Stowey Sutton 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 Stowey Sutton Neighbourhood Area was approved on 13<sup>th</sup> December 2013.

B&NES Council publicised the Stowey Sutton Neighbourhood Area application for consultation over a time period of 6 weeks from 9am Thursday 24<sup>th</sup> October to 5pm Thursday 5th December 2013. No representations were received.

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

The Stowey Sutton Neighbourhood Area application and designation documents area available to view online at:

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



**Figure 1 Map of the Stowey Sutton Neighbourhood Plan Area**

## **Draft Stowey Sutton Neighbourhood Plan (September 2014)**

The latest version of the Stowey Sutton Neighbourhood Plan (and supporting documents) is available to view online at: <http://sspcnp.org/draft-neighbourhood-plan.asp>

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 3<sup>rd</sup> November 2014 and 15<sup>th</sup> December 2014. Following this consultation, the parish council intend to submit their neighbourhood plan and supporting documents to B&NES Council in January/February 2015, for local authority consultation and then examination.

The draft Stowey Sutton Neighbourhood Plan identifies the following vision:

“The community wants Stowey Sutton to continue to thrive as vibrant and distinctive village’s, to continue to respect and reflect the views of its community, to evolve and expand whilst retaining their unique and distinctive character, and to provide an outstanding quality of life for current and future generations of residents.”

The plan also identifies four key themes / objectives: Housing and Development, Business and Employment, Transport and communications and community and recreation.

From these objectives, the plan takes forward 11 draft planning policies which relate to:

- Housing
- Business and Employment

The Plan also contains Action Policies which relate to:

- Transport and Communications
- Community and recreation

The draft policies proposed can be summarised as:

- **NP Policy 1: SSHP01- Housing Development Boundaries**
- **NP Policy 2: SSHP02- Development Scale**
- **NP Policy 3: SSHP03-Development Character**
- **NP Policy 4: SSHP04-Property Size**
- **NP Policy 5: SSHP05-Sustainability Impact**
- **NP Policy 6: SSHP06-Lighting**
- **NP Policy 7: SSBE01-Business Conservation and Preservation**
- **NP Policy 8: SSBE02-Business Type**
- **NP Policy 9- SSBE03- Employee parking**
- **NP Policy 10- SSBE04- Home Working**
- **NP Policy 11- SSBE05- Broadband**

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 September 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 Stowey Sutton 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 Stowey Sutton as a RA1 village which is expected to accommodate approximately 50 dwellings over the Plan period of 2011-2029. Stowey Sutton have exceeded the about 50 dwellings figure and therefore will be limited to windfall and in-fill sites.

## 4. SEA Screening assessment

B&NES Council, as the 'Responsible Authority', consider that the Stowey Sutton 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 Stowey Sutton 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 Stowey Sutton neighbourhood plan and ii) the characteristics of the effects and of the area likely to be affected by the Stowey Sutton. 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 Stowey Sutton 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. 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. The plan in the introduction and in Policy SSHP06, acknowledges that part of the parishes location within the Mendip Hills AONB 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 and in Policy SSHP06, acknowledges that part of the parishes location within the Mendip Hills AONB and the presence of protected wildlife species and seeks to protect these species. The Draft HRA screening report has made reference to the fact that the parish encompasses almost half of Chew Valley Lake and lies entirely within a 5km buffer zone around the lake and It also falls in-part within the 5km buffer around components of the North Somerset & Mendips Bats SAC. However, 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 which have has 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.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
(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.

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
		The Draft HRA screening identified opportunities for impact avoidance and mitigation which have been incorporated into the draft Stowey Sutton 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.
(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 769ha. A population of approximately 1,361 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 is located in the Chew Valley Landscape Character Area which is characterised by Low lying and undulating valley of the River Chew. There are SSSIs and local wildlife sites in the plan area and development has the potential to impact upon the North Somerset & Mendips Bats SAC. The importance of the cultural heritage of the area, including many ancient and listed buildings is acknowledged in the Stowey Sutton Placemaking Plan submission which is a key evidence base for the Plan. 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.
(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 BB&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. The Draft HRA screening identified opportunities for impact avoidance and mitigation which have been incorporated into the draft Stowey Sutton Plan.

## 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 Stowey Sutton 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. Stowey Sutton is described as a RA1 settlement in the adopted planning policy. Stowey Sutton has exceeded the proposed housing targets and now a limited amount of infill development is appropriate. 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 are opportunities for impact avoidance and mitigation which have been incorporated into the draft Stowey Sutton Plan.

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