

**Regulation 16
Loose Neighbourhood Plan
Submission Version**

August 2018

**Strategic Environmental Assessment
and Habitats Regulations Assessment
Screening Report**

Prepared by Maidstone Borough Council

1 Introduction

The need for environmental assessment of plans is set out in the EU Directive 2001/42/EC – known as the SEA Directive. Under this Directive, Neighbourhood Plans may require an SEA – but this will depend on the content of each Neighbourhood Plan.

In some circumstances, where a neighbourhood plan could have significant environmental effects, it may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and so require a strategic environmental assessment.

One of the basic conditions that will be tested by the independent examiner of a Neighbourhood Plan is whether the making of the plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive).

Whether a neighbourhood plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example, where:

- the neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan

The main determining factor as to whether an SEA is required on a Neighbourhood Plan is if it is likely to have a significant effect on the environment. Those Neighbourhood Plans containing land allocations for development, whose impacts have not been tested in the local authority's plan, may require an SEA. Neighbourhood Plans which do not contain such allocations (or simply reflect allocations already identified as part of a local authority plan) are less likely to require an SEA.

Maidstone Borough Council is legally required to determine whether the Loose Neighbourhood Plan will require an SEA. However, if it is concluded that an SEA is required, those preparing the plan responsible for its production and it must form part of the material that is consulted on once the formal consultation stage is reached.

2 Legislative Background

The basis for Strategic Environmental Assessments and Sustainability Appraisal is the European Directive 2001/42/EC which has subsequently been transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. The Government has produced National Planning Practice Guidance in relation to strategic environmental assessments and sustainability appraisals to provide clarity on the need for them in relation to plan development.

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 prescribes a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site. Paragraphs 2 to 5 of the Schedule amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and neighbourhood plans. In particular, paragraph 4 inserts new regulation 78A which provides that a neighbourhood development order may not grant planning permission for development which is likely to have a significant effect on a European site. These changes have been reflected in the Conservation of Habitats and Species Regulations 2017.

This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

3 Screening Process

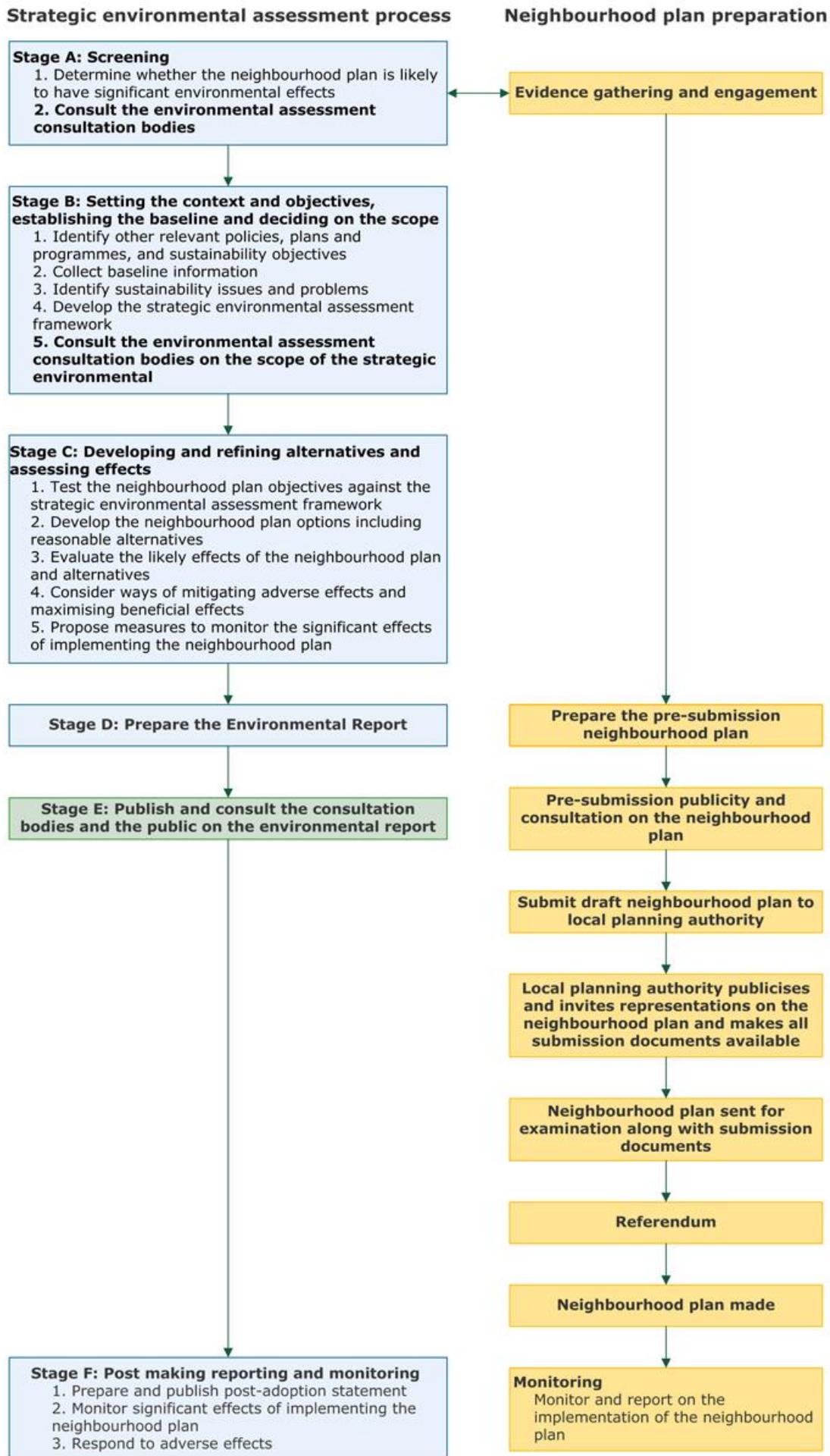
Loose Parish Council requested an SEA screening opinion of its Pre-Submission Consultation Draft Neighbourhood Plan October 2016 on 26 October. It is Maidstone Borough Council's responsibility to assess whether the policies and proposals in the Neighbourhood Plan are likely to have 'significant environmental effects'. The Regulation 14 Loose Parish Council Neighbourhood Plan Pre-Submission Consultation Draft October 2016 Screening Report concluded that an SEA was not required.

This screening report has been carried out to reflect changes that have been made to the Loose Parish Council Neighbourhood Plan Submission Version June 2018.

The National Planning Practice Guidance in relation to strategic environmental assessments sets out the approach to producing an SEA Figure 1 (below). This guidance recommends that an assessment be undertaken in the early stages of plan making and this screening is undertaken at the submission Neighbourhood Plan stage.

The first stage is the screening process (Stage A in Figure 1 below) to determine whether the neighbourhood plan is likely to have significant environmental effects. The screening process includes a 5 week consultation with the statutory consultees. If the screening process concludes that the Loose Neighbourhood Plan requires an environmental report, the Parish Council is responsible for preparing the scoping report (Stage B) and must consult the statutory consultees. Stages B and C would need to include consideration of reasonable alternatives, particularly as the plan allocates sites, to inform the selection and refinement of the preferred options. The preparation of the Environmental Report (Stage D) would need to identify, describe and evaluate the likely significant effects on the environment of implementing the policies in the neighbourhood plan and of the reasonable alternatives taking into account the objectives and geographical scope of the plan.

Figure 1 – SEA Process

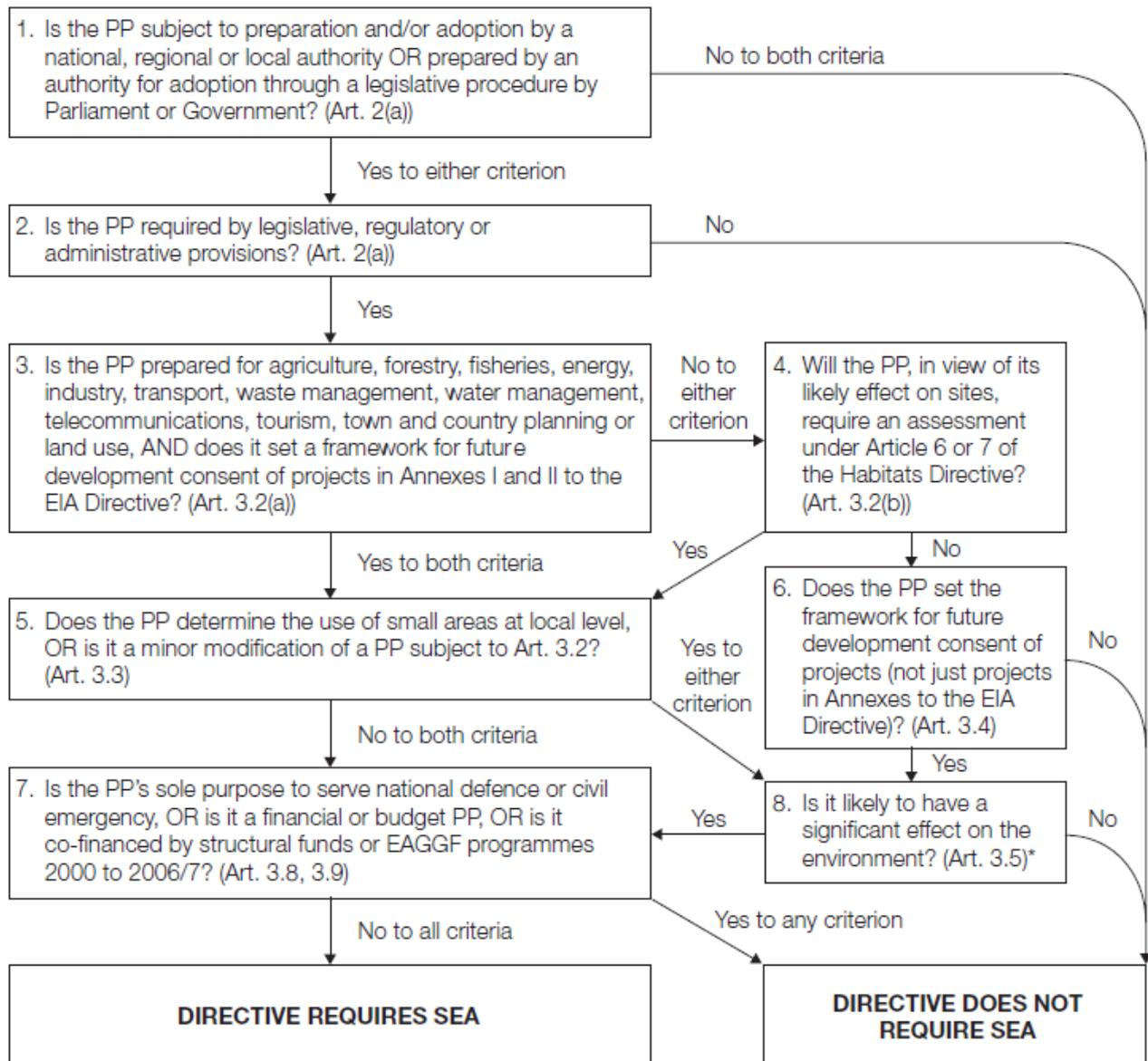


4 Screening Assessment

The government guidance 'A practical guide to the Strategic Environmental Assessment Directive' sets out the following approach to be taken in determining whether an SEA is required:

Figure – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

The screening opinion assessment set out below is undertaken in two parts: the first part assesses whether the plan requires an SEA (following the process stipulated in the flow chart); and the second part of the assessment will consider

whether the Neighbourhood Plan is likely to have a significant effect on the environment, using criteria drawn from Schedule 1 of the EU SEA Directive and the UK Environmental Assessment of Plans and Programmes Regulations 2004.

4.1 Assessment 1: Establishing the Need for SEA

Stage	Yes/ No	Reason
<p>1. Is the Neighbourhood Plan (NP) 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? (Art. 2(a))</p>	<p>Yes</p>	<p>The preparation and adoption of the NP is allowed under the Town and Country Planning Act 1990 (as amended). The NP is prepared by Loose Parish Council (as the 'relevant body') and subject to the outcome of Examination and referendum will be 'made' by Maidstone Borough Council as the local authority. The preparation of NPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 (as amended) and The Neighbourhood Planning (referendums) Regulations 2012 (as amended). <i>GO TO STAGE 2</i></p>
<p>2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	<p>Yes</p>	<p>Whilst the NP is not a requirement and is optional under the provisions of the Town and Country Planning Act (as amended), it will, if 'made', form part of the Development Plan for the Borough and the NPPF states that it is highly desirable that local planning authorities should have an up-to-date plan in place. The NPPF also states that neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. <i>GO TO STAGE 3</i></p>
<p>3. Is the NP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste 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? (Art.</p>	<p>Yes</p>	<p>The NP is being prepared for town and country planning and land use. The NP will therefore provide a framework for future development consent of development projects in Annex II of the EIA Directive including Infrastructure projects 10(b) Urban-development projects).</p>

3.2(a))		<i>GO TO STAGE 5</i>
5. Does the NP determine the use of small areas at local level OR is it a minor modification of a plan or programme subject to Art. 3.2? (Art. 3.3)	Yes	The NP may be used to determine the use of small sites at a local level. <i>GO TO STAGE 8</i>
8. Is it likely to have a significant effect on the environment? (Art 3.5)	No	See Assessment 2: Likely significant effects on the environment: Summary: The Loose NP is a relatively self-contained planning unit and supports two small scale housing allocations in the Maidstone Borough Local Plan. The level of development proposed should not impact on any habitat of European designation. The plan generally contains policies which seek to protect and enhance landscape and natural features. <i>DIRECTIVE DOES NOT REQUIRE SEA</i>

4.2 Assessment 2: Likely Significant Effects on the Environment

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Maidstone Borough Council Assessment	Likely significant environmental effect?
Characteristics of the Neighbourhood Plan, having regard to:		
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.	The NP would, if made, form part of the statutory Development Plan and as such does contribute to the framework for future development consent of projects. The NP sits within the wider framework of the NPPF and the Maidstone Borough Local Plan. Consequently the projects for which this NP helps to set a framework are localised in nature.	No
The degree to which the Plan influences other plans and programmes including those in a hierarchy.	The NP must take into account the National Planning Policy Framework and the plan should be in general conformity with the strategic policies of the Maidstone Borough Local Plan. Whilst significant to the Parish, the NP should not significantly influence other plans and programmes, but may have a limited degree of influence over the implementation of future strategic policies.	No
The relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable development.	The NP contains a number of objectives which seek to promote sustainable development. These objectives influence the plan's policies which included improving the pedestrian environment, landscape protection, and promoting high quality design. The NP supports the same housing site allocations as the Local Plan. In this way, the NP has integrated environmental	No

	considerations with a view to promoting sustainable development.	
Environmental problems relevant to the Plan.	As a result of the Maidstone Borough Local Plan site allocations policy, the NP will not have significant impact on flood risk or air quality.	No
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).	The NP is not directly relevant to the implementation of European legislation, although it will need to take the impact of the Water Framework Directive into account.	No
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 NP contains a number of policies which seek to protect and enhance the environment (landscape protection and design quality policies). The NP supports the housing allocations in the Maidstone Borough Local Plan. The Neighbourhood Plan is not likely to result in negative environmental impacts.	No
The cumulative nature of the effects of the Plan.	Generally the policies of the NP seek to conserve and enhance environmental features. The NP supports the same limited housing allocations as the Local Plan.	No
The trans-boundary nature of the effects of the Plan.	There are not expected to be any significant trans-boundary effects.	No
The risks to human health or the environment (e.g. due to accidents).	There are not expected to be any significant risks to human health.	No
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Plan.	The NP covers Loose which in part falls within Maidstone urban area. The geographic area and population of the plan area are relatively small in relation to the wider Borough and the effects of	No

	the plan will be relatively localised.	
The value and vulnerability of the area likely to be affected by the Plan due to: (i) Special natural characteristics or cultural heritage; (ii) Exceeded environmental quality standards or limit values; or (iii) Intensive land use	(i) Special natural characteristics or cultural heritage will not be significantly adversely affected by the NP; (ii) The NP is not expected to exceed environmental quality standards or limit values; (iii) There are no additional site allocations for built development in the NP other than support to the two Local Plan allocations. Reference is made to potential provision of a community building as part of a pavilion upgrade.	No
The effects of the Plan on areas or landscapes which have recognised national, community or international protection status.	Although just over a quarter of the borough is within the Kent Downs Area of Outstanding Natural Beauty located to the north of Maidstone town, the NP area is set some distance away to the south of the town. The NP seeks to protect Landscapes of Local Value which are included within strategic policies of the Local Plan and seeks the primacy of landscape protection over other planning considerations and to designate Local Green Spaces. Within the parish are areas of ancient woodland and a local wildlife site. However, no specific reference is made to the protection of the woodland or local wildlife sites. Overall, the NP is not likely to have a significant impact on national or community protection status.	No
Assessment 2 Conclusion	The Loose NP is not likely to have a significant effect on the environment.	

5 Habitats Regulations Assessment Screening

The Habitats Regulations Assessment (HRA) screening tests whether the Loose Neighbourhood Plan Submission Version, in view of its likely effect on sites of European Importance, will require an assessment for future development under Article 6 or 7 of the Habitats Directive (Article 3.2(b)).

Maidstone Borough contains two sites of European importance: North Downs Woodlands to the northwest of the borough is a Special Area of Conservation (SAC) and Queendown Warren SAC which lies on the northern border of Maidstone Borough.

New development that is delivered within the Borough over the next two decades is likely to place additional pressure on these areas, particularly through increased recreational pressure on the North Downs Woodlands SAC. However, in this respect the Habitats Regulations Assessment Screening Report (2016) for the Regulation 19 Local Plan, February 2016 tested the impact of 18,560 new dwellings primarily concentrated in the Maidstone Urban Area but with limited development in the Loose area.

The Screening Report examined closely the impacts of consequential recreational pressure and air quality on the North Downs Woodlands SAC and recreational pressure on Queendown Warren SAC and the Medway Estuary and Marshes SPA and Ramsar site. The report concludes that policies within Maidstone Borough's Local Plan - Publication (Regulation 19) February 2016 can be screened out from further consideration both, alone and in-combination with other projects or plans.

In terms of recreational pressure, it should be noted that the NP proposes to retain public open space which will tend to mitigate some of the impacts of recreational pressure on other sites.

Finally, Loose is located within the south of Maidstone urban area and the limited additional population supported by the Neighbourhood Plan is therefore less likely to place recreational pressure on the two sites of European importance to the north west of the town.

On balance, the Loose Neighbourhood Plan is not likely to cause a significant effect on a European site will not require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).

6 Consultations with Statutory Consultees

The three statutory consultation bodies (Historic England, Environment Agency and Natural England) have been consulted to determine whether they agree with the conclusion of this screening opinion, in establishing whether the Regulation 16 Loose Neighbourhood Plan Submission Consultation requires an SEA and whether it may have a 'significant environmental effect'.

Summary of Consultations

Historic England

Thank you for consulting Historic England on the Screening Opinion for the Loose Neighbourhood Plan. I am happy to confirm that, within areas of interest to Historic England, we agree with the conclusion of the screening opinion and do not consider that in this case SEA should be required for the plan.

We retain the right to request a review of this opinion should the plan change in scope or policy in subsequent drafts.

Environment Agency

Thank you for your consultation.

We agree with the conclusion that Regulation 16 Loose Neighbourhood Plan Submission Version does not require an SEA.

Natural England

Thank you for consulting Natural England for comments on the draft Strategic Environmental Assessment (SEA) screening report for the Loose Neighbourhood Plan.

I note that no development sites are being allocated within the submitted neighbourhood plan and that the Loose Neighbourhood Plan supports the same housing site allocations as the Maidstone Borough Local Plan. Therefore, in terms of national and international habitats, we accept your conclusion that there are not likely to be significant effects, based on the current understanding of the possible location of proposed development in the context of the location and sensitivities of designated habitats (and landscapes).

If the Neighbourhood Plan changes (such as by the addition of site allocations) and there is the potential for environmental impacts, Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening exercises may need to be undertaken.

7 Screening Conclusion

As a result of the Screening Assessment, the Loose Neighbourhood Plan Submission Version June 2018 is not likely to have a significant effect on the environment.

In addition, the Loose Neighbourhood Plan Submission Version is not considered likely to cause a significant effect on a European site and will not therefore require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).

August 2018