

Determining the need for SEA: Alton Neighbourhood Development Plan

Date of assessment: 11th June 2015

The Planning and Compulsory Purchase Act 2004 requires all local development documents (LDDs) to be supported, and to a great extent led, by a formal Sustainability Appraisal (SA) designed to meet the requirements of the SEA Directive. This requirement was amended as part of the Planning Act 2008 to only require full SA of development plan documents (DPDs) which are those documents that make up a 'local plan.' There is no requirement under either Act for a full SA to be prepared for Neighbourhood Development Plans. However, SEA may still be required.

Following the amendment to the Neighbourhood Planning (General) Regulations 2012 in February 2015 there is now a requirement for either an Environmental Report or a statement of reasons why an Environmental Report is not required to be submitted to the Local Planning Authority under Regulation 15. In the event that the following report is completed and no SEA is required then this document will comprise this aspect of the submission package.

The National Planning Practice Guidance (NPPG) suite, amended in February 2015, provides an overview of the approach that should be taken when identifying the need for SEA of Neighbourhood Development Plans:

"In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is commonly referred to as a "screening" assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

If likely significant environmental effects are identified, an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of those Regulations.

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

The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPP Regulations) are used to determine whether a plan or programme (PP) such as the Alton Neighbourhood Development Plan require SEA, directing the responsible authority in a series of steps to reach a view.

The following assessment, in accordance with the EAPP Regulations, was undertaken by East Hampshire District Council to identify any requirement for full SEA. The relevant Articles from the SEA directive are given in brackets:

Regulation	Yes/No	Reason
<p>Regulation 2 (1)</p> <p>PP means plans and programmes, including those co-financed by the European Community, as well as any modifications to them, which –</p> <p>(a) are subject to preparation or adoption by an authority at national, regional or local level; or</p> <p>(b) are prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and in either case,</p> <p>(c) are required by legislative, regulatory or administrative provisions;</p> <p>(Article 2(a))</p>	Yes	<p>The Alton Neighbourhood Development Plan is prepared by Alton Town Council. Upon successful completion of an examination and referendum it will be made by the local authority as part of the development plan. It is regulated by legislative procedures.</p>
<p>Regulation 5(2)</p> <p>Is it a PP which:</p> <p>(a) Is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use; AND</p> <p>(b) Sets the framework for future development consent of projects in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC?</p> <p>(Article 3.2(a))</p>	Yes	<p>The NP is a PP required for town and country planning purposes.</p> <p>The NP seeks to allocate a number of development sites that may be used to deliver development consents requiring EIA. Whilst this will be screened on an application by application basis, this requirement cannot be ruled out at this stage.</p>
<p>Regulation 5(3)</p> <p>Has the PP, in view of the likely effect on sites, been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive?</p> <p>(Article 3.2(b))</p>	No	<p>Natural England has been consulted in relation to the requirement. The settlement of Alton is well over 5km from the Wealden Heaths Phase II Special Protection Area and Solent European sites therefore no further assessment work will be required.</p>

<p>Regulation 5(4)</p> <p>Is the first formal preparatory act of the plan on or after 21st July 2004; and does the plan set the framework for future development consent of projects?</p>	<p>Yes</p>	<p>The first formal preparatory act falls after 21st July 2004 and the plan does set the framework for future development consent of projects.</p>
<p>It may be required that the Plan would be automatically eligible for full SEA, unless:</p> <ul style="list-style-type: none"> - The answer to the questions posed by Regulation 5(2) are both No; or - The answer to questions posed by exemptions set out under Regulation 5(5) or 5(6) apply. <p>In either event the tests set out under Regulation 9(1) below must then be satisfied to ensure that no significant environmental effect is likely and no SEA is required.</p>		
<p>Regulation 5(5)</p> <p>Is the PP's sole purpose to serve national defence or civil emergency; a financial or budget PP; or is it co-financed under Council Regulations (EC) No's 1260/1999 or 1257/1999?</p> <p>(Articles 3.8, 3.9)</p>	<p>No</p>	<p>These do not apply.</p>
<p>Regulation 5(6)</p> <p>Does the PP:</p> <ul style="list-style-type: none"> (a) Determine the use of a small area at local level; or (b) Propose a minor modification of an existing PP subject of the regulations. <p>(Article 3.3)</p>	<p>Yes</p>	<p>(a) The strategic framework for Alton is included in the adopted Joint Core Strategy for East Hampshire. It identifies the development requirements for the town and considers how these can be delivered in the context of the District as a whole. In this context the Neighbourhood Development Plan only seeks to determine the precise locations of growth within the locality of Alton, on specific development sites. To this end, it is considered that the Plan principally seeks to determine the use of small areas of land at a local level.</p> <p>(b) The Alton Neighbourhood Development Plan does not propose minor modifications of an existing PP subject of the regulations.</p>
<p>It may still be required that the Plan would be eligible for full SEA, unless it is determined that it will not give rise to significant environmental effects under Regulation 9.</p>		

<p>Regulation 9(1)</p> <p>Is the PP likely to have a significant effect on the environment taking into account the views of the consultation bodies and the criteria set out at Schedule 1 of the Regulations?</p> <p>(Article 3.5)</p>	<p>No</p>	<p>Following consultation with Natural England, Historic England, the Environment Agency, the LPA and the qualifying body's own assessment of likely environmental effect, the following conclusion has been reached:</p> <p>The Neighbourhood Development Plan is unlikely to have a significant effect on the environment.</p>
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Determining significant environmental effects

The following assessment has been made as to whether the plan is likely to have any significant environmental effects. Along with advice from the LPA, this takes into account the responses and independent assessments of the three consultation bodies against the Schedule 1 criteria in the EAPP Regulations, set out below.

Following consultation the three consultation bodies have returned the following opinions:

Consultation body	Date of response	SEA required?	Summary comments
<p>Natural England</p>	<p>Email dated 3rd June 2015</p>	<p>No</p>	<p>Given the additional information that has been provided by EHDC on behalf of Alton TC, Natural England do not require a SEA for the Alton Neighbourhood Plan.</p>

Historic England	Letter dated 26 th May 2015	No	<p>The SEA-compliant Sustainability Appraisal of reasonable housing site options across East Hampshire (outside the South Downs National Park) undertaken for the Local Plan Part 2 included sites at Alton, from which the proposed allocations sites have been selected. It is clear that this appraisal has included an assessment of likely effects on the historic environment.</p> <p>Historic England is therefore content that the proposed allocations sites in the Alton Neighbourhood Development Plan have been subject to an adequate and appropriate Strategic Environmental Assessment. In addition, the Town Council has undertaken further assessment of proposed allocation sites.</p>
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Environment Agency	Email dated 29 th May 2015	No	The Environment Agency are satisfied that unless the Alton Neighbourhood Development Plan is intending to significantly exceed the Joint Core Strategy target of a minimum of 700 dwellings or change the sites that are being allocated, any environmental effects of this quantum of development and alternative sites will already have been considered.
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Copies of the full responses of the consultation bodies are appended to this statement.

The assessment set out below, as well as the assessment of the three consultation bodies, has been undertaken bearing in mind the following context:

- The Alton Neighbourhood Development Plan has been produced to be in general conformity with the strategic policies of the adopted *East Hampshire District Local Plan: Joint Core Strategy*, which itself was subject of SEA;
- Where relevant, we have had reference to the SEA work undertaken in support of the emerging aspects of the further parts of the development plan;
- The assessment set out below has been informed in a large part by discussions and the written responses of the three named consultation bodies;
- The assessment set out below has also been informed by other relevant screenings of the Alton Neighbourhood Development Plan against the Habitats Regulations.

Criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004	Assessment	Significant environmental effect (positive or negative)?
The characteristics of plans and programmes, having regard to:		

<p>The degree to which the plan or programme sets a framework for projects and other activities, either in regard to location, nature, size and operating conditions or by allocating resources.</p>	<p>The PP only sets the framework for projects in a local context. There is a statutory requirement for this Plan's policies to be within the context of strategic policies in the adopted development plan. It therefore cannot provide for development that significantly exceeds, at a strategic level, the intentions of the adopted Local Plan. Rather, it provides for local Town allocations.</p>	<p>None likely</p>
<p>The degree to which the plan or programme influences other plans and programmes including those in the hierarchy.</p>	<p>Whilst Neighbourhood Development Plans comprise part of the statutory development plan for the LPA area, they are required to conform with the strategic policies of the development plan. They are effectively the bottom tier of the statutory policy pyramid.</p>	<p>None likely</p>
<p>The relevance of the plan or programme for the integration of environmental considerations, in particular, with a view to promoting sustainable development.</p>	<p>Neighbourhood Development Plans are required by legislation to help achieve sustainable development. This is one of the basic conditions against which the Plan will be tested at examination. This includes environmental sustainability, as one of the three pillars identified in the NPPF. The primary objective of the Plan is to plan positively and achieve a sustainable level of growth, whilst maintaining both the built and natural environment of the town and its surrounding area.</p>	<p>None likely</p>
<p>Environmental problems relevant to the plan or programme.</p>	<p>The Plan will seek to address environmental, economic and social issues in the neighbourhood area.</p>	<p>None likely</p>
<p>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).</p>	<p>The Plan is not relevant in this instance, as the matters described are guided by higher level legislation (and in some instances these matters fall under the category of 'excluded development' for Neighbourhood Development Plans). Instead, the policies of the Plan must have regard to these matters and seek to ensure that any development it promotes does not compromise the objectives of higher level strategies.</p>	<p>None likely</p>
<p>The characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</p>		
<p>The probability, duration, frequency and reversibility of effects.</p>	<p>The Neighbourhood Plan will set the local vision, objectives and policies to guide new housing development in the neighbourhood area. It is likely to result in long-term effects associated with changes to land use and physical development of land.</p>	<p>None likely</p>

<p>The cumulative nature of the effects.</p>	<p>The cumulative nature of the effects is described in part above. Ultimately the cumulative nature of the effects can be characterised by the impact that residents of the level of new homes planned for the Town will have on the environment. Whilst it is accepted that, unmitigated, there may be a number of potential effects around traffic movement, waste generation, recreational uses and impact on the water environment, the Plan in combination with the adopted development plan and other plans and programmes propose measures to restrict and neutralise the impact of new development in and around areas of sensitivity.</p>	<p>None likely</p>
<p>The trans-boundary nature of the effects.</p>	<p>In context the Plan is seeking to manage future development on specific sites in a small, parish level area within the wider LPA area. It is unlikely that the Plan will have any significant trans-boundary effect, taken primarily to mean impacting on another EU member state, as defined in the EIA Regulations. Even if 'trans-boundary' were to be defined as impacting on the jurisdiction of other administrative areas within the UK (for example between parishes or districts) the effect would be minimal.</p>	<p>None likely</p>
<p>The risks to human health or the environment (for example, due to accidents).</p>	<p>It is highly unlikely that the Plan will give rise to any significant instances of risk to human health. It principally proposes the delivery of residential and domestic scale development by way of a set of policies that seek to take into account all residual effects on residents, including traffic movement, fumes and pollution.</p>	<p>None likely</p>
<p>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).</p>	<p>As identified above it is highly unlikely that any environmental effect brought about by the Plan will be of any magnitude or impact on any area of scale. Neighbourhood Development Plans have a very limited ability to influence the delivery of strategic levels of development and this particular Neighbourhood Development Plan only seeks to direct development to small areas at local level.</p>	<p>None likely</p>
<p>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.</p>	<p>There are parts of the Neighbourhood Area which are both highly valued and vulnerable, namely areas prone to flooding, landscape, the Conservation Area and maintaining the Alton/Chawton Gap.</p>	<p>None likely</p>

The effects on areas or landscapes which have a recognised national, Community or international protection status.	The settlement of Alton is well over 5km from the Wealden Heaths Phase II Special Protection Area and Solent European sites. It is also outside the designated South Downs National Park.	None likely
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Determination of the requirement for SEA

As a result of the assessment set out above, incorporating the comments of the three consultation bodies, East Hampshire District Council, as the responsible authority, determines that:

Following its assessment against Schedule 1 of the EAPP Regulations it is the unanimous view of the three statutory bodies as well as the LPA that the Plan will not give rise to any significant environmental effects. Therefore, a full Environmental Report is not required in support of the Alton Neighbourhood Development Plan.