



East
Northamptonshire
Council



Strategic Environmental Assessment (SEA) screening for Neighbourhood Plans and Neighbourhood Development Orders

Chelveston-cum-Caldecott Neighbourhood Plan 17th November 2014

European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”

Introduction to Strategic Environmental Assessment (SEA)

Neighbourhood Development Orders (NDOs) and Neighbourhood Plans have legal status as statutory development plan documents (DPDs). Since 2004, there has been a legal requirement for DPDs to be assessed against the requirements of European Directive 2001/42/EC; also known as the “Strategic Environmental Assessment (SEA) Directive”. The objective for SEA is “*to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development*” (SEA Directive, Article 1).

The SEA Directive was incorporated into national law through [The Environmental Assessment of Plans and Programmes Regulations 2004](#) (SI 2004 No 1633).

National guidance regarding SEA

The government guidance document, “[A Practical Guide to the Strategic Environmental Assessment Directive](#)” (ODPM, September 2005) explains the process of screening for SEA. Screening is the first stage in the SEA process; i.e. testing whether or not SEA is required in the case of a Neighbourhood Plan or NDO.

The guidance explains the types of plans etc. which are covered by European Directive 2001/42/EC (the “SEA Directive”). It explains that Land use and spatial plans (including Neighbourhood Plans / NDOs) would **normally** be subject to SEA. Critically, however, the guidance also states that: “*Plans and programmes...which determine the use of small areas at local level, or which are minor modifications to [existing] plans and programmes...only require SEA if they are judged likely to have **significant** environmental effects*” (Appendix 1). In many cases, Neighbourhood Plans / NDOs will fall into this category. It is therefore essential that a robust screening exercise is undertaken for each Neighbourhood Plan / NDO.

Local planning authority support to Town / Parish Councils or Neighbourhood Forums in undertaking SEA

The [Neighbourhood Planning Protocol](#) (2013) explains the support that East Northamptonshire Council (ENC) can offer to the relevant Town Council(s), Parish Council(s) or Neighbourhood Forums in respect of SEA:

- Provide advice on any relevant European and National legislation (in this case, the SEA Directive);
- Carry out screening to identify any need for SEA (note: where consultants have been employed to prepare the Neighbourhood Plan they will be expected to undertake these);
- However, ENC will **not** be able to actually undertake the SEA if this is required following screening.

This toolkit is intended to be used by officers of ENC in undertaking SEA screening, or in checking SEA screening reports which have been prepared by consultants. Relevant Town Council(s), Parish Council(s) or Neighbourhood Forums may also use the toolkit to carry out their own SEA screening, if they so wish.

Undertaking SEA screening

The SEA guidance explains that for Neighbourhood Plans/ NDOs screening is a two stage process:

1. Generic application of the SEA directive
2. SEA Directive Article 3(5) Annex II – Application of criteria for determining the likely significance of effects

This toolkit contains two forms, in respect of stages 1 and 2 respectively:

1. For SEA Screening Stage 1, the form considers Neighbourhood Plans and NDOs generically against the SEA Assessment criteria specified in the national guidance ("[A Practical Guide to the Strategic Environmental Assessment Directive](#)", Figure 2), to determine whether each would require full SEA.
2. Where it is determined that there is potential for a Neighbourhood Plan/ NDO to have a significant effect on the environment, then it is necessary to progress to Stage 2 in the SEA Screening process. This involves testing the relevant Neighbourhood Plan/ NDO against the relevant criteria for determining the likely significance of environmental effects, as specified in SEA Directive Article 3(5) Annex II.

Please note that only the parts of this form which are highlighted in red will need to be completed.

SEA Screening Stage 1: Application of SEA Directive in the case of Neighbourhood Plans / Neighbourhood Development Orders (NDOs)

SEA Assessment criteria	Commentary	N'hood Plan Outcome (Y/N)	NDO Outcome (Y/N)
1. Is a Neighbourhood Plan/ NDO 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?	<i>A local planning authority has a statutory obligation to adopt or "make" a Neighbourhood Plan or NDO once it has successfully gone through the relevant statutory preparation stages, culminating in a local referendum. At this stage, a Neighbourhood Plan becomes part of the statutory development plan for the relevant local authority area. To this extent, the Neighbourhood Planning/ NDO process is directed by/ through a legislative procedure.</i>	Y	Y
2. Is a Neighbourhood Plan/ NDO required by legislative, regulatory or administrative provisions?	<i>The preparation of Neighbourhood Plans / NDOs is not mandatory; i.e. a Town / Parish Council or Neighbourhood Forum can chose whether or not to undertake either of these. However, if the relevant body decides to prepare a Neighbourhood Plan / NDO, that Town / Parish Council or Neighbourhood Forum is required to follow the set regulatory and administrative procedures.</i>	N	N
3. Is a Neighbourhood Plan/ NDO 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?	<i>A Neighbourhood Plan / NDO must relate to town and country, spatial and / or land use planning. Once made, it will form part of the statutory framework ("development plan") for the determination of planning applications. Neighbourhood Plans / NDOs both, therefore, set specific frameworks for future development consents.</i>	Y	Y

SEA Assessment criteria	Commentary	N'hood Plan Outcome (Y/N)	NDO Outcome (Y/N)
4. Will a Neighbourhood Plan/ NDO in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive?	<p><i>The North Northamptonshire Neighbourhood Planning Toolkit (December 2012) explains that Neighbourhood Plans / NDOs may also need to be subject to a Habitats Regulations Assessment (HRA) if there might be an impact on the Nene Valley Special Protection Area (SPA) / Ramsar site¹. This will depend upon the location and/ or scope of the emerging Neighbourhood Plan / NDO. Separate HRA screening will be required, although it must be assumed that in the event that a full HRA is deemed necessary, any Neighbourhood Plan / NDO must also be subject to full SEA.</i></p>	?	?
5. Does a Neighbourhood Plan/ NDO determine the use of small areas at local level, OR is it a minor modification of an existing plan/ programme?	<p><i>In many cases a Neighbourhood Plan will set out detailed, localised policies to reflect local aspirations, concerns or issues. However, Neighbourhood Plans may seek to take on a more challenging role, through making site specific land use allocations.</i></p>	?	N/a
	<p><i>An NDO involves the relaxation or extension of “permitted development rights” (“General Permitted Development Order”) for a small, localised area. Invariably it will involve minor changes to national legislation (the regulatory framework) in a local context, so would therefore represent a minor modification to an existing programme (i.e. national permitted development rights)</i></p>	N/a	N

¹ Full details of the extent of the Upper Nene Valley Gravel Pits SPA / Ramsar site are available through East Northamptonshire Council's [LocalView](#) mapping system (also known as “In My Area”)

SEA Assessment criteria	Commentary	N'hood Plan Outcome (Y/N)	NDO Outcome (Y/N)
6. Is a Neighbourhood Plan / NDO likely to have a significant effect on the environment?	<i>The relevant criteria for determining whether Neighbourhood Plans / NDOs are likely to have a significant environmental effect are set out in Article 3(5) Annex II of the SEA Directive.</i>		
	<i>Any potential environmental effects of a Neighbourhood Plan will largely depend upon two factors; location and/ or proposed scope. Stage 2 of this screening assessment will determine whether or not a Neighbourhood Plan will lead to any significant effects on the environment and, therefore, whether that Neighbourhood Plan will need to be accompanied by a full SEA.</i>	?	N/a
	<i>By definition, an NDO involves a limited relaxation of "permitted development rights for a small, localised area. Accordingly, it cannot reasonably be argued that an NDO would have a significant effect on the environment.</i>	N/a	N

SEA Screening Stage 1: Conclusions

Would a Neighbourhood Plan require SEA?

These assessment criteria reveal that as a starting point in preparing a Neighbourhood Plan there **must** be a presumption that SEA will be required, unless it can be satisfactorily and objectively demonstrated that the scope of the Plan will **not**:

- Require an assessment under Article 6 or 7 of the Habitats Directive (**Q4**, above), whereby if a full HRA is deemed necessary, any Neighbourhood Plan/ NDO must also be subject to full SEA;
- Will only determine the use of small areas at local level – i.e. involves minor/ small scale land allocations/ designations, or detailed, locally distinctive design criteria (**Q5**, above);
- Have a significant effect on the environment (**Q6**, above).

Would an NDO require SEA?

It is not considered that an NDO would normally require SEA given that, by definition, this will function as a local modification to the [Town and Country Planning \(General Permitted Development\) Order 1995](#) (GPDO), as amended. The GPDO itself relates exclusively to minor / small scale developments. Any local modification to the GPDO put forward through a NDO could, similarly, only relate to small / minor developments. Accordingly, this would not require SEA unless, in exceptional circumstances, a full HRA was deemed necessary.

SEA Screening Stage 2: SEA Directive Article 3(5) Annex II – Application of Criteria for determining the likely significance of effects of a Neighbourhood Plan

The SEA Directive (Article 3(5)) requires the relevant body (i.e. East Northamptonshire Council; and / or the relevant Town / Parish Council or Neighbourhood Forum) to: “ensure that plans and programmes [i.e. their Neighbourhood Plan] with likely significant effects on the environment are covered by this Directive”. In other words, the proposed scope and/ or range of themes, topics and/ or policies that a Neighbourhood Plan is intended to cover will form the basis for determining whether a full SEA will be required. Stage 2 of the SEA screening process will determine whether the emerging Neighbourhood Plan would:

- Only determine the use of small areas at local level – i.e. involves minor/ small scale land allocations/ designations, or detailed, locally distinctive design criteria [whereby a full SEA would **not** be required]; or
- Be likely to have a significant effect on the environment [whereby a full SEA **would** be required]?

	SEA Directive (Annex II)	Commentary	Conclusion – significant environmental impact? [Y/N]
1	Characteristics of Neighbourhood Plan		
A	Degree to which this sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	<i>[How to assess if “significant” – Consider emerging vision/ scope – i.e. what policies/ proposals are intended to be included within the Neighbourhood Plan]</i>	?
	[Site allocations for development]	<i>Y, policy H (housing) would allocate small sites for housing, using brownfield (JST Forklifts) and greenfield sites. The majority would be in-fill or ribbon developments, with the largest development creating 9 dwellings (JST Forklifts - outline consent already granted – EN/11/00654/OUT)</i>	N
	[Design policies/ standards/ codes]	<i>N, no specific design policies / codes / standards, all of which are addressed through the emerging North Northamptonshire Joint Core Strategy (JCS) review (the Local Plan). However,</i>	N

	SEA Directive (Annex II)	Commentary	Conclusion – significant environmental impact? [Y/N]
		<i>there is a requirement under policy H (Housing) that any developments in sensitive areas should preserve or enhance the street scenes.</i>	
	[Landscape protection/ enhancement policies]	<i>Y, policy LGS proposes Local Green Space designations to protect the locally sensitive streetscenes and views of the Church (II*) and Duchy Farm (II). These are anticipated to deliver positive / beneficial environmental impacts for landscapes and historic environments.</i>	N
	[Protected land designations]	<i>N, no protected (i.e. SSSI or RAMSAR) within the plan area. However, there are three group Tree Preservation Orders (TPOs), NCC TPO 119, ENC TPO 41 & 94 within the plan area.</i>	N
	[Linkages/ green infrastructure proposals]	<i>Y, policy LGS proposes Local Green Space designations to protect the locally sensitive streetscenes and views of the Church (II*) and Duchy Farm (II). These are anticipated to deliver positive / beneficial environmental impacts through providing enhanced opportunities for the development of green infrastructure projects.</i>	N
	[Community facilities] etc	<i>N, no specific proposals for community facilities which could relate to, or may affect the setting of, a listed building / conservation area</i>	N

	SEA Directive (Annex II)	Commentary	Conclusion – significant environmental impact? [Y/N]
B	Degree to which this influences other plans and programmes including those in a hierarchy	<i>Neighbourhood Plans are locally driven and will, inevitably, cover a small, defined locality / neighbourhood. In practice, Neighbourhood Plans will provide detailed policy, land-use or development management direction at the smallest defined (“neighbourhood”) level. These are “bottom up” development plan documents / policy tools; so by definition must have regard to, and be in general conformity with, “higher level” policies / programmes, but will not, by themselves, influence other more strategic policies / programmes.</i>	N
C	Relevance for the integration of environmental considerations in particular with a view to promoting sustainable development	<i>The “basic conditions” require that Neighbourhood Plans must “have regard” to sustainable development. For a Plan to be deemed sound, an Examiner must be satisfied that the effective implementation of a Neighbourhood Plan would give rise to sustainable developments.</i>	N
D	Environmental problems relevant to the Neighbourhood Plan	<i>[Consider what net environmental impacts would arise from the effective implementation of the Neighbourhood Plan]</i>	?
	[Is it proposed that the emerging Neighbourhood Plan will allocate land for development?]	<i>Y, policy H (housing) would allocate land for housing, using brownfield (JST Forklifts) and greenfield sites. The majority would be in-fill, ribbon developments or other small scale developments, with the largest development creating 9 dwellings (JST Forklifts - outline consent already granted – EN/11/00654/OUT)</i>	N
	[Is it proposed that the emerging Neighbourhood Plan contain detailed design policies/ standards?]	<i>N, no specific design policies / codes / standards, all of which are addressed through the emerging North Northamptonshire Joint Core Strategy (JCS) review (the Local Plan). However, there is a requirement under policy H (Housing) that any developments in sensitive areas should preserve or enhance the street scenes.</i>	N
	[Is it proposed that the emerging Plan will	<i>Y, policy LGS proposes Local Green Space designations to</i>	N

	SEA Directive (Annex II)	Commentary	Conclusion – significant environmental impact? [Y/N]
	identify “high quality” green/ open spaces/ green infrastructure which may require protection by way of a Neighbourhood Plan policy?]	<i>protect the locally sensitive streetscenes and views of the Church (II*) and Duchy Farm (II). These are anticipated to deliver positive / beneficial environmental impacts through providing enhanced opportunities for the development of green infrastructure projects.</i>	
	[Is it proposed that the emerging Plan will identify other zonal safeguarding/ protection policies; e.g. retail frontages, employment areas or community hubs?]	<i>Y, policy EC (employment and commercial) would seek to place employment on existing sites (e.g. Upper Higham Lane Industrial Estate) and farm diversification (e.g. livery yards). This policy effectively supports the “status quo” (i.e. baseline situation), through seeking the retention of existing or operational employment / rural business sites.</i>	N
	[Are there any other environmental issues that may arise from the adoption and implementation of the emerging Neighbourhood Plan?]	<i>Y, policy REN would allow for further renewables at the CRE Park site, where appropriate. Planning permission has recently been granted (EN/14/01177/FUL - October 2014) for further solar panels, although future expansion of this technology would require such schemes to be assessed against policy REN.</i>	N
E	Relevance for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection)	<i>Strategies relating to waste disposal or water protection are mostly dealt with by Northamptonshire County Council. East Northamptonshire Council itself has a number of strategies in place, relating to waste collection and environmental protection. Community Plans may identify specific local environmental concerns or issues, but these are generally not issues which could be addressed through a Neighbourhood Plan.</i>	N

	SEA Directive (Annex II)	Commentary	Conclusion – significant environmental impact? [Y/N]
2	Characteristics of the effects and of the area likely to be affected		
F	Probability, duration, frequency and reversibility of any effects	<i>A Neighbourhood Plan will relate to specific, small scale issues of either ensuring that any development coming forward will deliver the maximum local benefits. Likewise, in most cases a Neighbourhood Plan will address specific local development management issues, complementing the higher level strategic policy framework already established through the adopted Local Plan and national policies (NPPF). Neighbourhood Plans are intended to have a specifically “local” focus, and are not intended to replace the requirement for Local Planning Authorities (individual, or working in partnership with neighbouring, Local Planning Authorities) to produce a Local Plan. As such, any development policies / proposals likely to have significant environmental effects would, by definition, need to be addressed through the Local Plan.</i>	N
G	Cumulative nature of any effects	<i>Development of such a magnitude / quantum to cumulatively lead to effects of such significance that SEA would be required would, by definition, be of a “strategic” nature. Therefore, such development could not be appropriate to be brought forward through a Neighbourhood Plan.</i>	N
H	Transboundary nature of any effects	<i>Neighbourhood Plans are required to relate to discrete administrative areas. By definition, “transboundary” issues are “strategic” matters; therefore beyond the scope of a Neighbourhood Plan. Instead, the Local Plan is the correct forum for addressing any “trans-boundary” issues relating to spatial planning.</i>	N

	SEA Directive (Annex II)	Commentary	Conclusion – significant environmental impact? [Y/N]
I	Risks to human health or the environment (e.g. due to accidents)	<i>Strategies relating to waste disposal or water protection are mostly dealt with by Northamptonshire County Council. East Northamptonshire Council itself has a number of strategies in place, relating to waste collection and environmental protection. Community Plans may identify specific local environmental concerns or issues, but these are almost certainly not issues which could be addressed through a Neighbourhood Plan.</i>	N
J	Magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	<i>Neighbourhood Plans, by definition, will cover small geographical areas. The NPPF (paragraphs 184-185) requires that these should set out specific non-strategic development plan policies to address specific local issues. Therefore, development of a sufficient scale and extent to fall within the requirements of the SEA directive would, by definition, not be appropriate to be included within a Neighbourhood Plan.</i>	N
K	Value and vulnerability of the area likely to be affected	<i>[e.g. due to special natural characteristics or cultural heritage; exceeded environmental quality standards or limit values; intensive land-use]</i>	
	What statutory natural or built environment designations are situated within designated Neighbourhood Area?	<i>Listed buildings – Grade II* - St John the Baptist Church, Caldecott Road. Grade II – Duchy Farm, Bidwell Lane, Caldecott. Manor Farm, Bidwell Lane, Caldecott. Manor Farm Barn, Bidwell Lane, Caldecott. Poplar Farm, Caldecott. The Cottage, The Green, Chelveston.</i>	N
	[What other (non-statutory) natural or built environment designations are situated within designated Neighbourhood Area?]	<i>Tree Preservation Orders (TPOs) – Group TPOs – NCC TPO 119. Various individual TPOs within Chelveston ENC TPO 41 & 94</i>	N

	SEA Directive (Annex II)	Commentary	Conclusion – significant environmental impact? [Y/N]
L	Effects on areas or landscapes which have a recognised national, Community or international protection status	<i>The presence of a statutory natural or built environmental designation (e.g. SSSI, Scheduled Ancient Monument) in close proximity to a potential Neighbourhood Plan site/ area specific designation may be argued to act as a trigger for a “significant effect”; therefore a requirement for a full SEA to be undertaken. Natural England direction regarding Habitat Regulations Assessment (HRA) “buffer zones” provide an appropriate specification for where full SEA will be required; i.e. if HRA is deemed necessary, then full SEA will also be required. Potential development proposals which should be subject to EIA screening should be regarded as having a significant environmental impact and, therefore, would require SEA.</i>	?
		<i>A statutory designation covering any site, area or landscape would effectively preclude most development. The exception to this may be development within the curtilage of, or likely to affect the setting of listed buildings (“designated heritage assets”) and/ or conservation areas. In this case potential Neighbourhood Plan policies may require full SEA.</i>	?
	[Potential site allocations for development]	<i>None of the proposed development site allocations include development of a listed building or in the curtilage thereof. However, permission has already been granted for the change of use of farm buildings at Duchy Farm, Caldecott to residential use (EN/13/01993/VAR and EN/12/01431/FUL).</i>	N
	[Potential design policies/ standards/ codes]	<i>N, no specific design policies / codes / standards, all of which are addressed through the emerging North Northamptonshire Joint Core Strategy (JCS) review (the Local Plan). However, there is a requirement under policy H (Housing) that any</i>	N

	SEA Directive (Annex II)	Commentary	Conclusion – significant environmental impact? [Y/N]
		<i>developments in sensitive areas should preserve or enhance the street scenes which should give rise to positive local landscape impacts.</i>	
	[Linkages/ green infrastructure proposals]	<p><i>Policy LGS would create Local Green Spaces next to the Grade II* church in order to preserve the setting of the Church when viewed from Bidwell Lane or from ROW MM11.</i></p> <p><i>Policy LGS would create Local Green Spaces next to the Grade II Duchy Farm in order to preserve the setting of the Farmhouse when viewed from Bidwell Lane or from ROW MM10, which should give rise to positive local landscape impacts.</i></p>	N
	[Community facilities] etc	<i>No proposed community facilities which could relate to, or may affect the setting of, a listed building / conservation area</i>	N

SEA Screening conclusion – Will a full Strategic Environmental Assessment be required, in accordance with the SEA Directive; i.e. is the proposed Neighbourhood Plan likely to have a significant effect on the environment?

The need to ensure compliance with statutory legislation, including European Union Directives, is one of the major challenges associated with Neighbourhood Planning. The requirements of the SEA Directive are potentially far-reaching, but many aspects of this may not be applicable in the case of Neighbourhood Plans, given their “non-strategic”/ locally based context.

Already, it must be recognised that, in all but exceptional circumstances, a Neighbourhood Development Order (NDO) would **not** require the preparation and submission of a formal SEA. Instead, completion of this Strategic Environmental Assessment (SEA) Screening pro-forma would be sufficient to comply with the requirements of the SEA Directive.

In the case of a Neighbourhood Plan, it will be necessary for the relevant “responsible body” (i.e. local planning authority, Town Council, Parish Council or Neighbourhood Forum/ Parish Meeting) to complete questions **A, D, K and L** (highlighted **red**) within Part 2 of this pro-forma. Following this, the person(s) preparing this SEA screening assessment will need to briefly summarise these findings and come to a conclusion as to whether the emerging Neighbourhood Plan would have a **significant** environmental impact so, therefore, whether a full SEA would be needed to accompany the Neighbourhood Plan.

SEA SCREENING CONCLUSION – WILL A FULL STRATEGIC ENVIRONMENTAL ASSESSMENT BE REQUIRED?

The NDP proposes only small scale allocations (the largest site being 9 dwellings, which has already received outline consent from ENC) phased over a 20 year period. The policies no significant negative impacts have been identified. However, many policies may give rise to positive environmental impacts, e.g. through clearing up of historically contaminated land (underground tanks).

Policy LGS will designate land as Local Green Space to preserve the locally sensitive street scenes, the grade II* listed Church and grade II Duchy farmhouse.

No detailed design policies/ standards are proposed, save a requirement that development near the sensitive street screens should preserve or enhance the street scenes. Similarly, this should deliver environmental benefits; in terms of the historic environmental and local landscapes.

Will a full SEA be required? NO

The next stages

If it is concluded that the emerging Neighbourhood Plan will **not** require a full SEA, then it will be necessary to publish the completed pro-forma, using the relevant Neighbourhood Planning forum (e.g. local website, East Northamptonshire Council website). Following this, no further action will be required.

If it is concluded that the emerging Neighbourhood Plan **is** likely to have a significant effect on the environment, it will be necessary to follow the various stages in the process. These are explained in full detail in the government guidance, "[A Practical Guide to the Strategic Environmental Assessment Directive](#)" (ODPM, September 2005). While this guidance pre-dates Neighbourhood Plans, it remains a relevant and useful document and is provides the definitive government guidance.

In the event that a full SEA is deemed necessary, it is advised that the responsible body should contact East Northamptonshire and/ or their appointed consultant (in the event that a consultant has been employed to prepare the Neighbourhood Plan). It is likely that a specialist consultant would be needed to prepare the necessary SEA documentation.