



West Bergholt Neighbourhood Plan

Strategic Environmental Assessment (SEA) Screening Report

Version 3
November 2018

West Bergholt Neighbourhood Plan Strategic Environmental Assessment (SEA)

1. Introduction

The Strategic Environmental Assessment (SEA) Directive (2001/42/EC) on the assessment of the effects of certain plans and programmes requires an environmental assessment to be made of certain plans or programmes. The objective of SEA, as defined in the Government’s guidance on strategic environmental assessment, is *‘to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of plans....with a view to promoting sustainable development’* (Article 1). The SEA Directive has been transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

Planning Practice Guidance - Strategic environmental assessment and sustainability appraisal: Sustainability appraisal requirements for neighbourhood plans (2014) states that *‘in some limited 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.’*

2. The Screening Process

Colchester Borough Council, as the relevant Local Planning Authority (LPA), have been approached to provide a screening opinion on whether the proposed neighbourhood plan will require a Strategic Environmental Assessment. 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.

This document sets out that screening opinion based on the scope of, and detail contained within the West Bergholt Neighbourhood Plan Submission draft.

Table 1: Establishing the Need for SEA

Environmental Regulations Paragraph	SEA Requirement	Comments
2	Is the plan: (a) subject to preparation or adoption by an authority at national, regional or local level; or (b) prepared by an authority for adoption, through a legislative	Yes, the plan is subject to preparation and adoption at local level. There are legislative and regulatory provisions in place for Neighbourhood Plans.

	procedure by Parliament or Government; and, in either case, (c) required by legislative, regulatory or administrative provisions?	
5(2)	Is the plan (a) prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and does it (b) sets the framework for future development consent of projects listed 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(9)?	Yes, the plan is prepared for town and country planning purposes and sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (urban development projects).
4(c)	Is the plan or programme likely to have significant environmental effects?	No, the plan is unlikely to have significant environmental effects. The plan will result in positive environmental effects through policies which seek to designate an Area of Special Landscape Character and protect heritage assets. The plan will result in positive social effects through policies which support the delivery of 120 dwellings and support further development of windfall sites within the settlement boundary. The plan will result in positive economic effects through policies which seek to safeguard existing commercial uses and set criteria for expansion of existing employment areas. However, none of these likely effects will be significant.
6	Does the plan (a) determine the use of a small area at local level; or (b) is a minor modification to a plan or programme of the description set out in either of those paragraphs?	(a) Yes, the plan determines the use of a small area of land at local level. (b) The plan is a minor modification to the Colchester Borough Adopted Core Strategy and Site Allocations and emerging Local Plan.
5(3)	Has it been determined that the plan requires an assessment pursuant to Article 6 or 7 of the Habitats Directive?	Yes. The whole of Colchester Borough is within the Zone of Influence for the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and so there are likely significant effects (LSE) in-combination

		<p>from increased recreational disturbance. The neighbourhood plan does not have any likely significant effects alone. The neighbourhood plan includes a policy requiring contributions towards the Essex Coast RAMS, which will avoid and mitigate LSE. This has been discussed with Natural England, who agree that inclusion of this policy will avoid and mitigation LSE from recreational disturbance in-combination. However, owing to the Sweetman II CJEU decision an appropriate assessment is required.</p>
<p>The local planning authority has concluded that the West Bergholt Neighbourhood Plan is not likely to have significant environmental effects and consequently a Strategic Environmental Assessment (SEA) is not required. The criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 has been taken into account in reaching this conclusion. Under regulation 9(2)(b) the consultation bodies must be consulted on this conclusion prior to the local planning authority making a formal determination. The consultation bodies were consulted and comments from Natural England and Historic England have been considered. This statement records the local planning authority's determination under regulation 9(1) that a SEA is not required.</p>		

3. Significance of effects on the environment

To decide whether a draft neighbourhood plan might have significant environmental effects, its potential scope should be assessed against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004, or Annex II of the SEA Directive 2001/42/EC.

When deciding on whether the proposals are likely to have significant environmental effects, the local planning authority should consult the statutory consultation bodies. Where the local planning authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it should prepare a statement of its reasons for the determination. Where a statement of reasons is provided in respect of a neighbourhood plan a copy of the statement should be provided to the qualifying body in order that the statement can be made available to the independent examiner; for example by including it in the basic conditions statement.

Where a neighbourhood plan is likely to have a significant effect on the environment a strategic environmental assessment must be carried out.

The following table explores the potential scope of the Neighbourhood Plan against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004.

Table 2: Schedule 1 Criteria for Determining the Likely Significance of Effects on the Environment

SEA Requirement	Comments
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 plan sets the framework for development proposals within West Bergholt. Neighbourhood Plans must be in conformity with the development plan, for Colchester in this case, and so whilst there will be differences between policies (as without which there is no point in preparing a Neighbourhood Plan) the Neighbourhood Plan will effectively be a minor modification to the development plan. The plan includes policies that are specific to West Bergholt.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The plan will form part of the development plan, however strategic policies of the Borough Council's adopted plans take priority.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The plan will promote sustainable development through addressing objectives on the following topics: village society and community facilities, environment, housing, business and commerce, sport and recreation, community safety, communication and transport.
(d) environmental problems relevant to the plan or programme; and	There are no environmental problems relevant to this plan. West Bergholt Neighbourhood Plan Group has identified problems, which this plan seeks to address in part. A key principle of the plan is to contribute to improving transport, highways and infrastructure problems.
(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).	This plan has no relevance to the implementation of Community legislation.
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;	The plan will result in positive environmental effects through policies which seek to protect landscape and avoid settlement coalescence (PP21), designate a Character Area of the village (PP5) and protect heritage assets (PP6). The plan will result in positive social effects through policies which support the delivery of 120 dwellings (PP10) and support further

	development of windfall sites within the settlement boundary. The plan will result in positive economic effects through policies which seek to safeguard existing commercial uses and set criteria for expansion of existing employment areas (PP27 & PP28). However, none of these likely effects will be significant. It is very likely that positive effects will occur as a result of the plan; these will be as frequently as planning applications are submitted in West Bergholt. The duration of positive effects is likely to be long term.
(b) the cumulative nature of the effects;	The cumulative effect of this plan and the Borough's local plan will result in positive effects.
(c) the transboundary nature of the effects;	There are no transboundary effects; this plan applies to West Bergholt Parish only.
(d) the risks to human health or the environment (for example, due to accidents);	The plan poses no risk to human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	Only West Bergholt Parish will be affected by this plan.
(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	West Bergholt is not an environmentally vulnerable area. There are seven local wildlife sites within the parish, but no nationally designated nature conservation sites. There are 34 buildings listed for architectural merit, but none of these is likely to be affected by the proposals in the plan.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The landscape surrounding West Bergholt is not recognised at national or international level.

4. Screening Outcome

The West Bergholt Neighbourhood Plan determines the use of a small area at local level and is effectively a minor modification to the Colchester Borough Local Plan. The plan will result in positive, long term effects. However, none of these effects will be significant. Therefore, the LPA has concluded that the West Bergholt Neighbourhood Plan will not require an assessment of the significant environmental effects of the plan under the SEA Directive and Environmental Assessment Regulations based on the content of the submission draft plan (November 2018).