



**Draft SCREENING OPINION FOR BELCHFORD AND
FULLETBY NEIGHBOURHOOD DEVELOPMENT PLAN**

Draft Screening Opinion Belchford and Fulletby Neighbourhood Development Plan

1. Introduction

1.1 This screening opinion is intended to determine whether or not the content of the Belchford and Fulletby Neighbourhood Development Plan (NDP) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

1.2 The purpose of the Belchford and Fulletby NDP is to establish planning policies for the development and use of land within the parish. Some NDPs will allocate land for development, others will be primarily policy based. In the case of Belchford and Fulletby, the NDP is policy based and does not allocate or in any other way identify sites for development.

1.3 Below is an outline of the legislation behind the need for this screening opinion. This is then followed by the assessment of the likely significant environmental effects of the NDP and the determination of whether there is the need for a full SEA.

2. Legislation

2.1 The legislation pertaining to Strategic Environmental Assessments and Sustainability Appraisal is European Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, commonly referred to as the SEA Regulations. The Government published 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005), which provides more detailed guidance on how an SEA should be carried out.

2.2 The Planning and Compulsory Purchase Act 2004 also requires that a Sustainability Appraisal (SA) is prepared for all spatial plans. It is considered best practice to incorporate requirements of the SEA Directive into an SA.

2.3 The Government has stated that Sustainability Appraisal is not needed for NDPs, but has said that it must be demonstrated how the NDP contributes to the achievement of sustainable development in the area.

2.4 Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 refers 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. Paragraphs 2 – 5 of Schedule 2 amend the Conservation of Habitats and Species Regulations 2010 so that its provisions apply to NDOs and NDPs. The regulations do state that the making of an NDP is

not likely to have a significant effect on a site designated at European level for its biodiversity, however, this needs to be ascertained and this can be done at the time the screening opinion is being sought.

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

3. Criteria for Assessing the Effects of a Neighbourhood Development Plan (NDP)

3.1 Schedule 1 of The Environmental Assessment of Plans and Programmes Regulations 2004 sets out the criteria to be used for determining the likely significance of effects on the environment. These are:

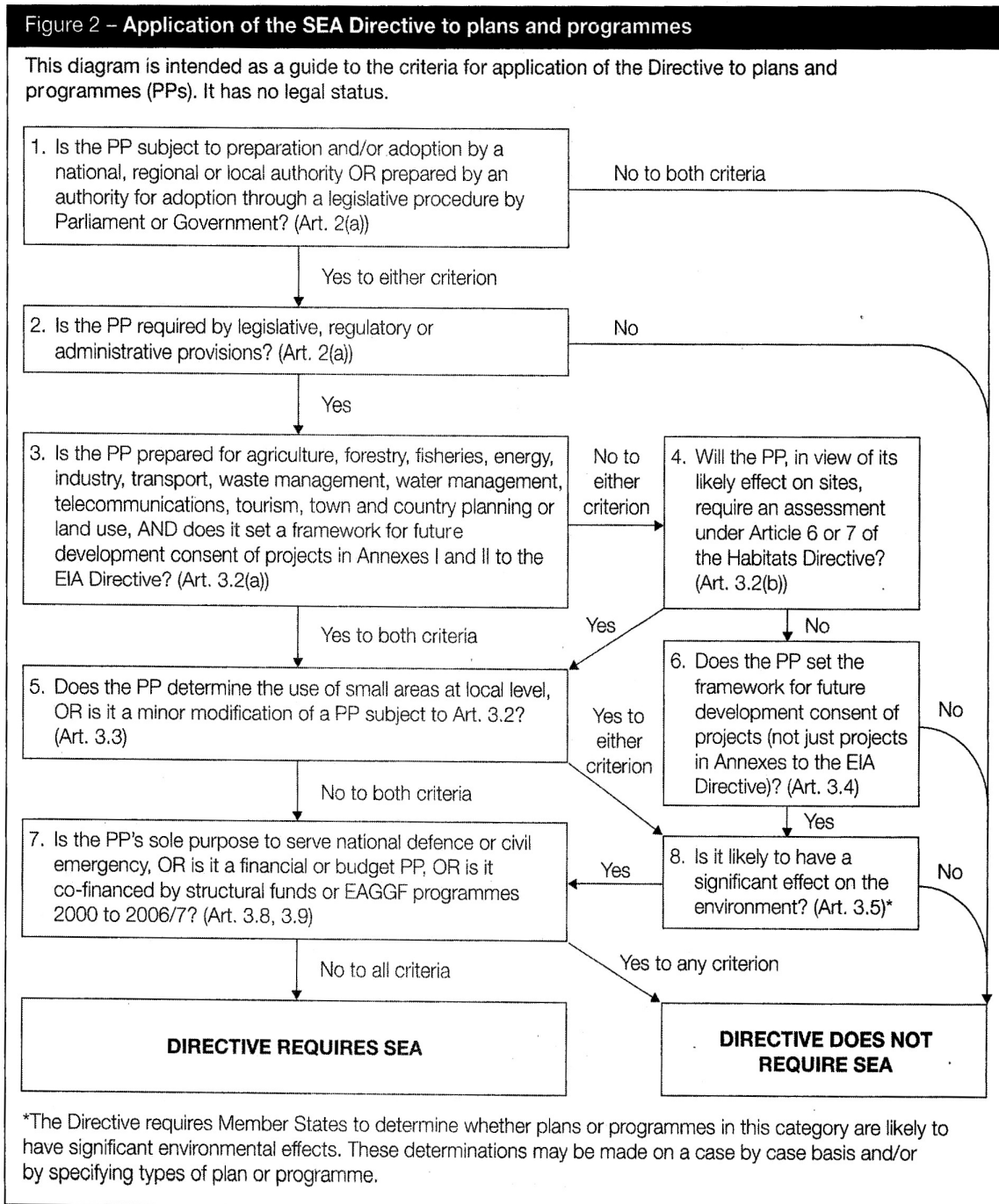
1. The characteristics of plans and programmes, having regard, in particular, to—
 - (a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
 - (b) the degree 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.

4. Assessment

4.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.



source: A Practical Guide to the Strategic Environmental Assessment Directive Scottish Executive Welsh Assembly Government and DOE September 2005

4.2 The table below contains the assessment of whether the Legbourne NPD will require a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

Stage	Y/ N	Reason
1. Is the PP (plan or programme) 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))	Y	The preparation of the Belchford and Fulletby NDP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Belchford and Fulletby NPD will be "made" (adopted) by East Lindsey District Council once it had passed through the formal stages of its preparation under the Neighbourhood Planning (General) Regulations 2012. Go to Stage 2
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	The preparation of an NDP is not a requirement of legislation but is an option for communities under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. If the NDP passes all the stages required under the Neighbourhood Planning (General) Regulations 2012, it will be "made" by the District Council and will become part of the development plan for the District. It therefore has to conform to the appropriate legislative, regulatory and administrative procedures. Go to Stage 3
3. Is the PP 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? (Art 3.2(a))	N	The NDP is being prepared for town and country planning purposes. However, it does not set a framework for future development consent of projects, does not allocate sites for development or indicate the preferred location for future development, not does it set the scale and nature of development in Annexes I and II to the EIA Directive (Art 3.2(a)). Go to 4
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the	N	Belchford and Fulletby are located approximately 24km (15 miles) from the nearest European site, which is Greater Wash Special Protection Area (SPA). The Belchford and Fulletby NDP does not

Habitats Directive? (Art. 3.2 (b))		allocate sites for development or indicate the preferred location for future development, not does it set the scale and nature of development so does not require an assessment under the Habitats Directive. Go to 6
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	N/A	N/A
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N	Belchford and Fulletby NDP does not set a framework for future development consent of projects, does not allocate sites for development or indicate the preferred location for future development, not does it set the scale and nature of development. Go to 8
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N/A	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	The Belchford and Fulletby NDP is unlikely to have a significant effect on the environment. The Parish does contain heritage assets, in the form of Listed Buildings. It also contains a Regionally Important Geological and Geomorphological Site and Local Wildlife sites. The Parish is also located in the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and there are trees covered by preservation orders in the village. The NDP will contain policies which are likely to directly influence the environment in relation to the historic environment; the AONB; greenspace; design and the character of the village. However, these will have a positive environmental outcome.

5. Screening Outcome

5.1 As a result of the assessment in section 4, it is unlikely there will be any significant environmental effects arising from the Belchford and Fulletby

Neighbourhood Development Plan that will not be covered in the sustainability assessment of the NDP. As such, the Belchford and Fulletby Neighbourhood Development Plan does not require a full SEA to be undertaken.