



**STRATEGIC ENVIRONMENTAL ASSESSMENT  
SCREENING OPINION FOR HORNCastle  
NEIGHBOURHOOD DEVELOPMENT PLAN**

**Prepared by East Lindsey District Council**

# **Strategic Environmental Assessment Screening Opinion Horncastle Neighbourhood Development Plan**

## **1. Introduction**

1.1 East Lindsey District Council (ELDC) is legally required to determine whether or not the content of the Horncastle 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. An SEA is used to ensure environmental implications of development are taken into account before any decisions are made. This screening opinion sets out the questions to be asked to determine if an SEA is required and the answers in respect of the Horncastle Neighbourhood Plan.

1.2 The purpose of the Horncastle NDP is to establish planning policies for the development and use of land within the town. The NDP will cover the whole of Horncastle Parish. Some NDPs will allocate land for development, others will be primarily policy based. In the case of Horncastle, 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

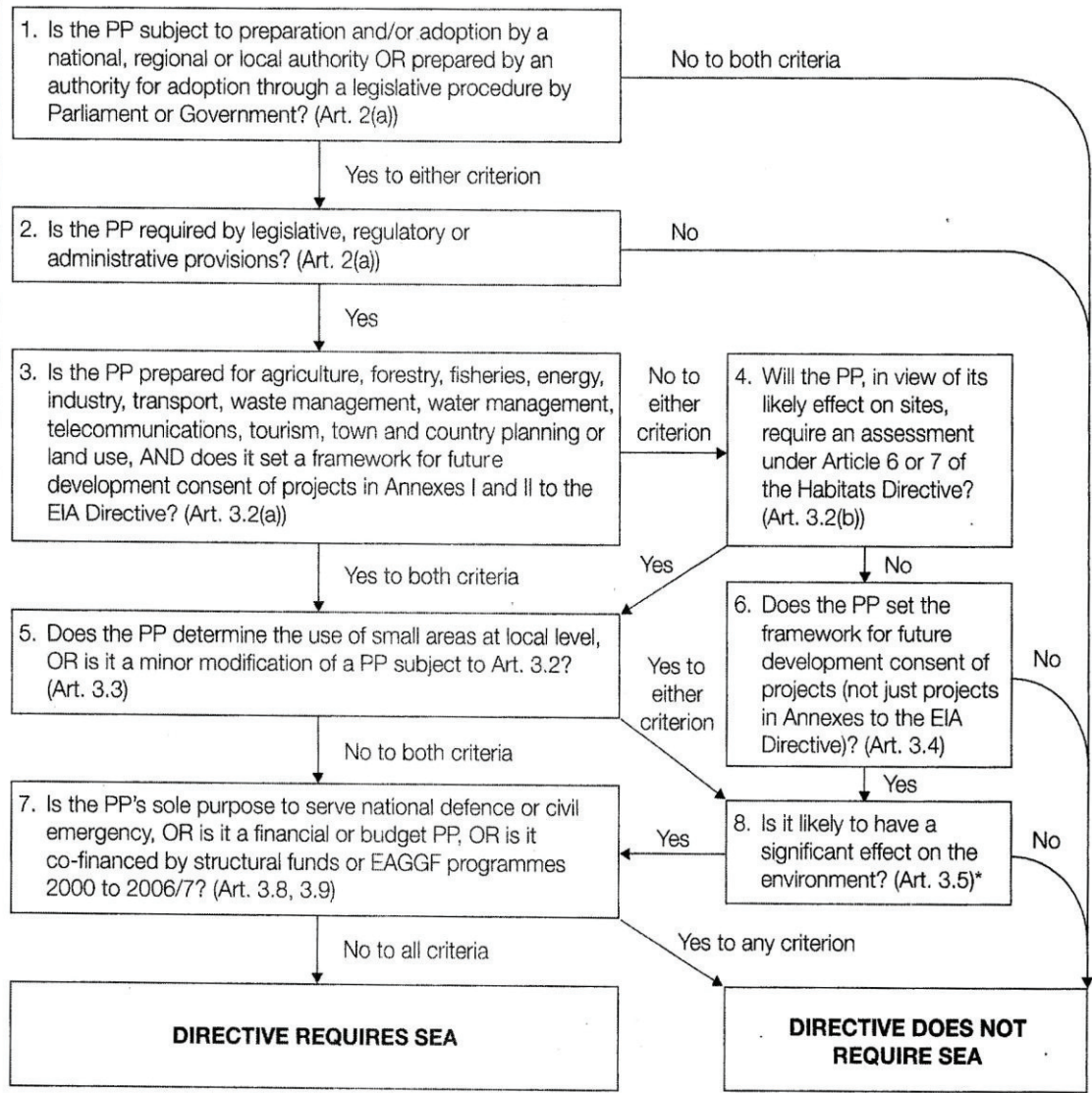
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

#### **4. Assessment**

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

**Figure 2 – 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.

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 Horncastle 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	Y	The preparation of the Horncastle NDP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Horncastle NPD will be "made" (adopted) by East Lindsey District Council once it had passed

authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))		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 Habitats Directive? (Art. 3.2 (b))	N	Horncastle is located approximately 28.5km (17.7 miles) from the nearest European site, which is The Wash (Ramsar Site, Special Area of Conservation and Special Protection Area). The Horncastle NDP does not allocate sites for development or indicate the preferred location for future development, nor 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	Horncastle 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, nor 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 Horncastle NDP is unlikely to have a significant effect on the environment. The only policies which are likely to directly influence the environment are in relation to SUDs, the creation and enhancement of greenspace and cultural heritage. However, these will have a positive environmental outcome.

4.3 In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, the consultations bodies (Environment Agency, English Heritage and Natural England) have been consulted on this determination. Their responses are set out in the table below.

Statutory Consultee	Summary of Comments
Natural England – reply 10 <sup>th</sup> November 2014	Confirms the conclusion that, as Horncastle NDP is not allocating any development, no significant environmental effects would result
Environment Agency – reply 21 <sup>st</sup> November 2014	Confirm agreement with the Screening Opinion
English Heritage – reply 25 <sup>th</sup> November 2014	English Heritage concurs with the Council that the preparation of a full SEA is not required.  Horncastle has extensive designated and non-designated heritage assets. Designated heritage assets are as follows:

	<p>6 Grade I Listed buildings;</p> <p>2 Grade II* Listed buildings</p> <p>110 Grade II Listed buildings</p> <p>1 Conservation area</p> <p>Banovallum remains of Roman wall scheduled monument.</p> <p>We would request that we are fully consulted on future iterations of the Horncastle Neighbourhood Development Plan; English Heritage wishes to ensure that an understanding of historic environment, including designated heritage assets and locally important assets, and the contribution that the historic environment makes to local character, is fully considered when Neighbourhood Plans are being prepared.</p>
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## 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 Horncastle Neighbourhood Development Plan that will not be covered in the sustainability assessment of the NDP. This determination is based on the information available at the time of assessment. Each NDP is required to demonstrate how it contributes to achieving sustainability development. To this end, the Council has recommended that Neighbourhood Plan groups carry out a "light touch" Sustainability Appraisal to achieve this outcome. The consultation bodies given their support for such an approach when consulted in June 2013.

5.2 As such, the Horncastle Neighbourhood Development Plan does not require a full SEA to be undertaken.