



**STRATEGIC ENVIRONMENTAL ASSESSMENT
SCREENING OPINION FOR HOLTON LE CLAY
NEIGHBOURHOOD DEVELOPMENT PLAN**

Prepared by East Lindsey District Council

Strategic Environmental Assessment Screening Opinion Holton le Clay Neighbourhood Development Plan

1. Introduction

1.1 East Lindsey District Council (ELDC) is legally required to determine whether or not the content of the Holton le Clay 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 Holton le Clay Neighbourhood Plan.

1.2 The purpose of the Holton le Clay NDP is to establish planning policies for the development and use of land within Holton le Clay. The NDP will cover the whole of Holton le Clay Parish. Some NDPs will allocate land for development, others will be primarily policy based. In the case of Holton le Clay, the NDP will be allocating sites for development. The group has been working with the neighbouring parish of Tetney to address issues that affect both communities.

1.3 Below is an outline of the legislation behind the need for this scoping opinion. This is then followed 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 Appraisals (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;

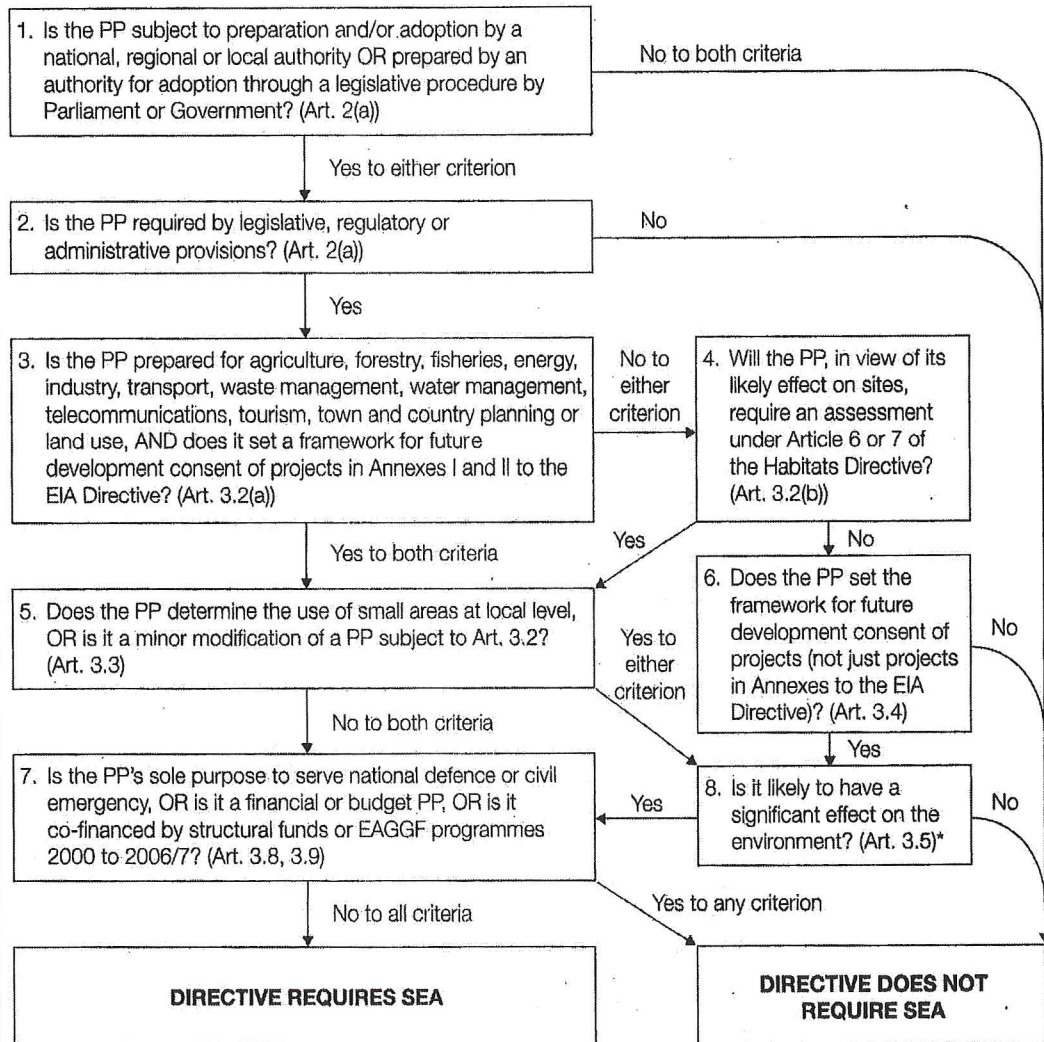
- (b) the cumulative nature of the effects;
- (c) the transboundary nature of the effects;
- (d) the risks to human health or the environment (for example, due to accidents);
- (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- (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 Holton le Clay 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 Holton le Clay NDP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Holton le Clay NDP 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))	Y	The Holton le Clay NDP is being prepared for town and country planning purposes. It allocates and for development, including housing and employment uses. As such, the NDP contains a framework for further development consent for urban development projects (listed as 10(b) in Annex II of the EIA Directive). Go to Stage 5
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/A	N/A

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)	Y	The NDP determines the use of small sites at a local level. Go to Stage 8
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/A	N/A
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	The NDP's purpose is not covered by the terms of this criterion.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Y	See Assessment below: Likely significant effects on the environment. Go to Stage 7

Stage 8 Assessment (N.B. Community in this context refers to the European Community)

SEA Directive criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Likely significant effect	East Lindsey District Council assessment
The characteristics of the Holton le Clay Neighbourhood Development Plan, 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	Y	The Holton le Clay NDP will, if "made" by East Lindsey District Council, form part of the statutory Development Plan. As such, it will contribute to the framework for the development consent for projects. The NDP will determine the location, nature and size of development sites (housing, employment and leisure) in the community.

<p>(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy</p>	<p>N</p>	<p>The Holton le Clay NDP will sit within Development Plan. It is required to be in conformity with national legislation, some European legislation and with the planning policy documents prepare by East Lindsey District Council. The NDP itself should not in itself influence other plans and programmes, although it will influence development proposals.</p>
<p>(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development</p>	<p>Y</p>	<p>As the Holton le Clay NDP is required to comply with relevant legislation, it should be seeking to integrate environmental considerations. To this end, a Sustainability Appraisal will be prepared, although not formally required by legislation, to demonstrate how the plan has integrated these issues. 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. It is therefore considered that environmental considerations will be integrated in the Holton le Clay NDP.</p>
<p>(d) environmental problems relevant to the plan or programme</p>	<p>Y</p>	<p>The preparation of Holton le Clay NDP will need to consider the impact of proposals on designated sites, wider biodiversity and heritage assets.</p>
<p>(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and</p>	<p>Y</p>	<p>The Holton le Clay NDP does not directly relate to the implementation of European legislation in respect of waste management or water protection. However, it will need to take into account the impact of the</p>

programmes linked to waste management or water protection).		Water Framework Directive. Other relevant European environmental legislation is the Habitats Directive, as Holton le Clay is 4.6km (2.8 miles) from a site designated at an international level for its biodiversity. As a result, the Holton le Clay will require a assessment under the Habitats Directive. Indirectly, there are a number of ways the plan helps to implement European environmental legislation through policies, including those on climate change, sustainable development, biodiversity etc and many of these indirect links will be brought out through the SA of the NDP.
SEA Directive criteria and Schedule 2 of Environmental Assessment of Plans and Programmes Regulations 2004	Likely significant effect	East Lindsey District Council assessment
Characteristics of the effects and of the Neighbourhood Development Plan Area likely to be affected, having regard, in particular, to		
(a) the probability, duration, frequency and reversibility of the effects	Y	There will be short term effects during the construction of development on allocated sites. There are likely to be longer term effects resulting from the development of areas in and around the village and although the environment may adapt to these change in circumstances, the effect is likely to be permanent.
(b) the cumulative nature of the effects	Y	Holton le Clay NDP will be allocating a number of sites for development (housing, employment and leisure). The number of sites being proposed will mean that there are cumulative effects, these could be positive or

		negative.
(c) the transboundary nature of the effects	Y	There are no transboundary effects of the NDP with other European states. However, as the neighbourhood area abuts other parish boundaries and also North East Lincolnshire Council. Holton le Clay Neighbourhood Plan Group have been working closely with its nearest neighbour (in terms of proximity of settlements) Tetney, with joint meetings throughout the NDPs preparation. There has also been liaison with North East Lincolnshire Council, including attendance of officers at Neighbourhood Plan meetings.
(d) the risks to human health or the environment (for example, due to accidents)	N	There are unlikely to be any significant risks to human health or the environment due to accidents as a result of the NDP.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	N	The NDP covers the parish of Holton le Clay, which has a population of 3691 (2011).
(f) the value and vulnerability of the area likely to be affected due to : (i) special natural characteristics or cultural heritage	Y	Until the location and scale of development in Holton le Clay is determined, it is not possible to properly assess the effects on natural character or cultural heritage. Although the village is quite built up, the Parish has many rural characteristics, including biodiversity and natural habitats, and heritage assets. Development is likely to have impacts on the environment. The objectives of the NDP have included these issues as factors that are important to the community and

		should be protected and enhanced moving forward.
(f) the value and vulnerability of the area likely to be affected due to : (ii) exceeded environmental quality standards or limit values	N	The Holton le Clay NDP is not expected to exceed environmental limits.
(f) the value and vulnerability of the area likely to be affected due to : (iii) intensive land-use	N	The Holton le Clay NDP has objectives which seek to retain the rural character and respecting the rural character of the community.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status	N	There are no areas or landscapes recognised at national, Community or international affected by the Holton le Clay NDP.
Assessment under Stage 8	The Holton le Clay NDP is likely to have significant environmental effects as a result of the allocation of sites for development.	

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 th November 2014	The Screening Reports demonstrate that as both the Tetney and Holton le Clay Neighbourhood Plans will be allocating development that would not be covered by the Sustainability Appraisal of the East Lindsey Core Strategy and therefore significant environmental effects could result. Furthermore both of these settlements are located in close proximity to both international and

national sites of nature conservation interest which could be affected by the development proposed in these neighbourhood plans. The sites concerned are:

- the Humber Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest (SSSI); and
- the Tetney Blow Holes SSSI,

Natural England therefore agrees with the Council's conclusion that both of these Neighbourhood Plans would require Strategic Environmental Assessment.

We also advise that a Habitats Regulations Assessment screening should be carried out for both these plans, given the close proximity of these two neighbourhood plan areas to international sites of nature conservation interest. One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive, implemented by the Habitats and Species Regulations (2010), as amended (the 'Habitats Regulations').

In relation to the Habitats Regulations, a Neighbourhood Plan cannot progress if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out (see Schedule 2, The Neighbourhood Planning (General) Regulations 2012). Therefore measures may need to be

	<p>incorporated into the Neighbourhood Plan to ensure that any likely significant effects are avoided or fully mitigated in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the Plan on European protected sites. This will be particularly important if a Neighbourhood Plan is to progress before a Local Plan has been adopted and/or the Neighbourhood Plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment for the Local Plan. We understand that this is the case with East Lindsey.</p>
<p>Environment Agency – reply 21st November 2014</p>	<p>Confirm agreement with the Screening Opinion</p>
<p>English Heritage – reply 25th November 2014</p>	<p>English Heritage concurs with the Council that the preparation of a full SEA is not required.</p> <p>Holton le Clay has a number of designated and non-designated heritage assets. Designated heritage assets are as follows:</p> <ul style="list-style-type: none"> 1 Grade II* Listed building 2 Grade II Listed buildings 1 Scheduled monument <p>We would request that we are fully consulted on future iterations of the Holton le Clay 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</p>

	character, is fully considered when Neighbourhood Plans are being prepared.
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5. Screening Outcome

5.1 As a result of the assessment in section 4, there is potential that there will be significant environmental effects arising from the Holton le Clay Neighbourhood Development Plan. As such, the Holton le Clay Neighbourhood Development Plan requires a full SEA to be undertaken. This determination is based on the information that is available at the time of assessment.

5.2 The East Lindsey Core Strategy has been subject to a Sustainability Appraisal (incorporating SEA), but the Holton le Clay NDP goes further in that it looks to allocate sites for development. It is therefore important that the Holton le Clay NDP be subject to SEA.

5.3 East Lindsey District Council had advised all its communities preparing Neighbourhood Development plans, whether allocating sites or not, that they should prepare a Sustainability Appraisal in order to comply with the Government's requirement that the NDP demonstrate how it contributes to the achievement of sustainable development in their area. The Council has suggested a lighter touch approach than that used by the District Council's Sustainability Appraisal, which it feels is proportionate to the approach taken by Neighbourhood Planning. The Council consulted English Heritage, Natural England and the Environment Agency on the approach to be used, and all agreed that it was an appropriate approach for Neighbourhood Plan Groups to take. The approach is framed to enable SEA to be incorporated, as good practice now recommends. It is therefore recommended that Holton le Clay Neighbourhood Plan Group prepares its SA (incorporating SEA) as advocated by the Council, giving special consideration to the aspects outlined in the assessment table above: namely the impacts on biodiversity; including the internationally designated sites nearby.

