Strategic Environmental Assessment
Screening Report

On behalf of
Thorpe on The Hill Parish Council

<table>
<thead>
<tr>
<th>Date of assessment:</th>
<th>21/12/2016</th>
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<tbody>
<tr>
<td>Date/ version of neighbourhood development plan to which Screening Report applies:</td>
<td>Pre-Submission Draft (as consulted upon)</td>
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</tbody>
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Overview

Neighbourhood Plan (NP) to which this Screening Report applies:
Thorpe on The Hill Neighbourhood Plan

Version/ date of NP to which this Screening Report applies:
Pre-Submission Draft Thorpe on The Hill Neighbourhood Plan 2016-2036

Neighbourhood area to which the NP applies:
Thorpe on The Hill

Parish council/s within the neighbourhood area:
Thorpe on The Hill Parish Council

1. Introduction

1.1 This screening report determines whether or not the contents of the Thorpe on The Hill Neighbourhood Plan (TOTHNP) 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 TOTHNP is:

- To ensure that any new development harmonises with the landscape character of the Parish and the “townscape” character of the village.
To allow for development of a type and scale sufficient to meet local needs and support local facilities, without detracting from Thorpe’s essential character as a small, rural village and community.

To protect and enhance open spaces that are valued for their contribution to recreation, visual amenity, ecology and bio-diversity, and landscape character and quality.

To cherish and respect Thorpe’s heritage by ensuring that new buildings complement their built and natural surroundings.

To support and protect community facilities.

To ensure Thorpe's residents and businesses have convenient and safe access to the facilities and places they need to travel to, whilst seeking to minimise harmful emissions and avoid high levels of traffic through the village.

1.3 Details of the legislation that require the need for this screening exercise and the SEA screening assessment criteria are outlined in sections 2 and 3 of this report respectively. Section 4, screens the TOTHNP against the criteria in section 3 and determines whether the plan is likely to have significant environmental effects and if a full SEA is required.

2 Legislative Background

2.1 The Localism Act 2011 (Schedule 9) introduced neighbourhood planning into the Town and Country Planning Act 1990. The 1990 Act, as amended by Schedule 10 of the Localism Act 2011, requires that neighbourhood plans meet a set of basic conditions, one of which being that the making of the plan does not breach, and is otherwise compatible with, EU obligations.

2.2 To ensure that a NP meets this basic condition, a Strategic Environmental Assessment (SEA) may be required to determine the likely significant environmental effects of implementing the NP. The basis for Strategic Environmental legislation is European Directive 2001/42/EC, which was transposed into domestic law by the Environmental Assessment of Plans and Programmes Regulations 2004, or ‘SEA Regulations’. Detailed Guidance of these regulations can be found in the Government publication ‘A Practical Guide to the Strategic Environmental Assessment Directive’ (ODPM 2005).

2.2 Where a proposed plan is likely to have a significant effect on a European site or European offshore marine site (in relation to the Habitats Directive), this will also trigger the need to undertake a Strategic Environmental Assessment. Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 (as amended) makes provision in relation 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. To achieve this, paragraph 1 of schedule 2 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribes a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site. Paragraphs 2 to 5 go on to amend the Conservation of Habitats and Specifies Regulations 2010 so as to apply its provisions to neighbourhood development orders and plans.

2.4 This report screens the TOTHNP against various criteria to determine if a Strategic Environmental Assessment is required. A SEA would assess the NP against the European legislation outlined above, and would conclude whether the plan does not breach, and is otherwise compatible with, EU obligations with regards to the environment.

3 Criteria for Assessing the Effects of Neighbourhood Development Plans
3.1 Article 3(5) of Directive 2001/42/EC details the criteria for determining whether plans are likely to have significant environmental effects. This criteria is outlined below.

### Article 3, Scope

5. Member States shall determine whether plans or programmes referred to in paragraphs 3 and 4 are likely to have significant environmental effects either through case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose Member States shall in all cases take into account relevant criteria set out in Annex II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by this Directive.

### Annex II Criteria for determining the likely significance of effects referred to in Article 3(5)

1. The characteristics of plans and programmes, having regard, in particular, to
   - 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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
   - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
   - environmental problems relevant to the plan or programme;
   - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. 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
   - the probability, duration, frequency and reversibility of the effects;
   - the cumulative nature of the effects;
   - the transboundary nature of the effects;
   - the risks to human health or the environment (e.g. due to accidents);
   - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
   - the value and vulnerability of the area likely to be affected due to:
     - special natural characteristics or cultural heritage;
     - exceeded environmental quality standards or limit values;
     - intensive land-use;
   - the effects on areas or landscapes which have a recognised national, Community or international protection status.

### 4. Assessment
4.1 The Department of the Environment has produced a flow chart diagram\(^1\) which sets out the process for screening a planning document to ascertain whether a full SEA is required. See Figure 1 below.


4.3 Articles 6 and 7 of the Habitats Directive (as referred to in Figure 1, question 4) can be found here: [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN).

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Figure 1: Application of the SEA Directive to plans and programmes

4.3 The process outlined in Figure 1 has been undertaken for the TOTHNP and the findings are outlined in Table 1. As the questions have been answered using the flow diagram above, some of the questions may not be applicable as a result of previous answers: where this is the case, the response is stated as ‘not applicable’.
Table 1: Assessment of Thorpe on The Hill Neighbourhood Plan against Figure 1

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<thead>
<tr>
<th>Criteria</th>
<th>Response: Yes/ No/ Not applicable</th>
<th>Details</th>
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<tbody>
<tr>
<td>1. Is the NP 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?</td>
<td>Yes</td>
<td>The preparation and adoption of the TOTHNP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Whilst the TOTHNP has been prepared on behalf of Thorpe on The Hill Parish Council, it will be adopted by North Kesteven District Council as the local authority. GO TO STAGE 2</td>
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<td>2. Is the NP required by legislative, regulatory or administrative provisions?</td>
<td>Yes</td>
<td>Whilst the production of a Neighbourhood Plan is not a requirement and is optional, it will, if made, form part of the Development Plan for the District. It is therefore important that this screening process considers the potential effects. GO TO STAGE 3</td>
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<tr>
<td>3. Is the NP 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?</td>
<td>Yes to the first part of the question, no to the second part</td>
<td>The TOTHNP is being prepared for town and country planning and land use. It does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive. GO TO STAGE 4</td>
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<td>4. Will the NP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive?</td>
<td>No</td>
<td>The TOTHNP will not have any effects on Natura 2000 sites and as such will not require an assessment under Articles 6 and 7 of the Habitats Directive. GO TO STAGE 6</td>
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<td>5. Does the NP determine the use of small areas at local level, OR is it a minor modification of an NP subject to Art. 3.2?</td>
<td>N/A</td>
<td>The TOTHNP will set the framework for development consents in the neighbourhood area. GO TO STAGE 8</td>
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<td>6. Does the NP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)?</td>
<td>Yes</td>
<td></td>
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<td>7. Is the NP’s sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed</td>
<td>N/A</td>
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8. Is it likely to have a significant effect on the environment?  

No

The scope of the proposed TOTHNP and the geographical area to which it applies is relatively limited. The TOTHNP only allocates sites which already benefit from planning permission and includes a number of policies aimed at protecting the environment.

It is not considered likely to have a significant impact on any Natura 2000 site.

Whilst there are some locally designated wildlife sites (Local Wildlife Sites, Sites of Nature Conservation Importance and Local Nature Reserves) there are no nationally or internationally designated sites and the policies in the plan seek to protect and enhance these areas.

(See Table 2: Assessment of the likely significant effects on the environment).

Outcome:  

SEA not required

Table 2: Assessment of the likely significant effects on the environment

<table>
<thead>
<tr>
<th>SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004</th>
<th>North Kesteven District Council Assessment</th>
<th>Likely significant environmental effect?</th>
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<tr>
<td>1. The characteristics of plans and programmes, having regard, in particular, to—</td>
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<tr>
<td>(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;</td>
<td>The TOTHNP would, if adopted, form part of the Statutory Development Plan and as such does contribute to the framework for future development projects. However, the TOTHNP would only apply to a very limited geographical area, where few proposals are anticipated and would have very limited resource implications.</td>
<td>No</td>
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<tr>
<td>(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;</td>
<td>The TOTHNP will be required to be in general conformity with the Local Plan of the area, depending upon timing this will either be the North</td>
<td>No</td>
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Kesteven Local Plan (NKLP) or it could be the Central Lincolnshire Local Plan (CLLP) if this is adopted before the TOTHNP. There is no requirement for any replacement of the NKLP to conform to the policies of the TOTHNP, and the CLLP is sufficiently advanced that it will not be influenced by the TOTHNP. However, there may be some, limited influence to policies of a future local plan.

| (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development; | The proposed TOTHNP primarily seeks to guide the design of development and must be read in conjunction with other elements of the Development Plan. The TOTHNP also includes a number of policies aimed at preserving ecology, local character, and landscape. It is therefore considered that the TOTHNP does integrate environmental considerations with a view to promoting sustainable development. | No |
| (d) environmental problems relevant to the plan or programme; and | The neighbourhood area does not include any areas at risk from fluvial or tidal flooding. | No |
| (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). | The TOTHNP is not directly relevant to the implementation of any European legislation. | No |

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; | Whilst effects of the TOTHNP may not be reversible they are anticipated to be minimal, in terms of probability, duration and frequency. | No |
| (b) the cumulative nature of the effects; | The cumulative effects of the plan are expected to be limited. | No |
| (c) the transboundary nature of the effects; | It is not anticipated that any effects will be transboundary. | No |
| (d) the risks to human health or the environment (for example, due to accidents); | There are no significant risks anticipated, and it is considered that the TOTHNP will enhance human health and the environment. | No |
| (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected); | The TOTHNP area is very local in extent covering an area of approximately 808 hectares and a population in the region of 560 | No |
(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

The TOTHNP allocates sites, but these sites all benefit from planning permission. The TOTHNP also promotes the protection of the built and natural environment. The neighbourhood area includes four grade II listed buildings and no conservation areas, registered historic parks and gardens, or scheduled ancient monuments. Any effects of the plan are expected to be positive on these characteristics.

No

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

There are no internationally, nationally, or community recognised landscapes and any effects of the plan are expected to be positive on landscape character.

No

5 Consultation of Statutory Agencies

5.1 The assessment in section 4 indicates that it is unlikely that there will be any significant environmental effects arising from the TOTHNP (as consulted upon at the regulation 14, pre-submission consultation stage) and thus a SEA is not required. The relevant Statutory Agencies, namely the Environment Agency, Historic England and Natural England, have been consulted on this screening opinion based on TOTHNP in its current form. The responses received during this consultation are detailed below.

Environment Agency

5.2 The following response to the SEA Screening Report was received from the Environment Agency on 27 January 2017:

“The Environment Agency does not wish to make any comments relating to this Consultation as there do not appear to be any environmental constraints in terms of our remit. We support the fact that the proposed residential developments are all situated in flood zone 1.”

Further confirmation of the Environment Agency’s position was received on 2 February 2017:

“I can confirm that based on the information provided, it is unlikely that the proposed draft plan would have any significant environmental impacts that fall within the Environment Agency’s remit.”

Historic England

5.3 The following response to the SEA Screening Report was received from Historic England on 30 January 2017:

“On the basis of the information supplied, including that set out in the draft plan in which no new development sites are allocated over and above those set out in the development plan which have been considered by SA already, and in the context of the criteria set out
in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required.”

Natural England

5.4 The following comments were received from Natural England on 13 January 2017:

“Natural England welcomes the Screening Report which assesses the requirement for Strategic Environmental Assessment (SEA) for the Thorpe on the Hill Neighbourhood Plan.

I can confirm that it is considered unlikely that any significant environmental effects will result from the implementation of the Neighbourhood Plan and therefore Natural England agrees with the report’s conclusions.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.”

6 Screening Outcome

6.1 As a result of the assessment in section 4, and following consultation of the Statutory Agencies, North Kesteven District Council consider it unlikely that there will be any significant environmental effects arising from the Thorpe on The Hill Neighbourhood Plan, as submitted at the date of this assessment. As such, a full SEA does not need to be undertaken for the Thorpe on The Hill Neighbourhood Plan.

6.2 If the objectives, aims and/ or policies covered by the TOTHNP should change (other than minor changes), or specific sites are allocated for development, this screening process should be undertaken for the revised plan. Please contact North Kesteven District Council for advice in such instance.