

SEA of Slyne-with-Hest

Introduction

- 1.1 Lancaster City Council has prepared this screening report to support Slyne-with-Hest Parish Council in determining whether or not the contents of the proposed Slyne-with-Hest Neighbourhood Plan is likely to require a Strategic Environmental Assessment (SEA).
- 1.2 The requirement to undertake environmental assessment of plans and programmes is established in the EU Directive 2001/42/EC (SEA Directive), transposed into English law in the Environmental Assessment of Plans and Programmes Regulations 2004. Under the SEA Directive an SEA is required where a plan or programme is likely to have a significant effect on the environment. The assessment provides the main mechanism for ensuring that the environmental implications of decisions are taken into account before decisions are made and should be an integral part of plan preparation where potential for significant effects on the environment have been identified.
- 1.3 Under its 'duty to support' Lancaster City Council has been requested to determine whether, based on the preparation of the draft Neighbourhood Plan, the Slyne-with-Hest Neighbourhood Plan requires a SEA.

2. Background

- 2.1 Neighbourhood Planning gives local communities the opportunity to prepare planning documents for their area, enabling them to shape the future of where they live and giving them greater ownership of the plans and policies that affect them. Introduced under the Localism Act in 2011 Neighbourhood Plans provide a new tier of planning policy.
- 2.2 Current planning policy for the district is established in the Lancaster District Local Plan. This currently consists of saved policies within the 2004 adopted Lancaster District Local Plan as Saved by the Secretary of State under paragraph 1(2) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 (where not superseded by policies within the Core Strategy, Development Management Document or Morecambe Area Action Plan), the Core Strategy adopted in July 2008, the Development Management Document adopted in December 2014 and the Morecambe Area Action Plan adopted in December 2014.
- 2.3 The council is continuing to progress preparation of its new Local Plan, in the form of the Strategic Policies and Land Allocations DPD and the Review of the Development Management DPD. These documents were submitted to the Planning Inspectorate for examination in May 2018 with the examination hearings currently scheduled to take place in late October.
- 2.4 The Neighbourhood plan area for Slyne-with-Hest Parish Council was formally designated in April 2016. This confirmed the Parish Council's commitment to preparing a Neighbourhood Plan and identified the proposed Neighbourhood Plan area.
- 2.5 Following on-going discussions with the city council Slyne-with-Hest Parish Council have submitted a draft plan for consideration (Appendix 1). Lancaster City Council have used this information to undertake initial SEA screening of the Neighbourhood Plan.

Table 1 – SEA Assessment

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 Neighbourhood Plan is not a Development Plan Document, however if the document received 50% or more 'yes' votes through a referendum it will be adopted by Lancaster City Council.
2. Is the PP required by legislative, regulatory or administrative provisions (ART. 2 (a))	N	Communities have a right to prepare a Neighbourhood Plan, however they are not required by legislative, regulatory or administrative purposes to produce one. The Plan however if adopted would form part of the Development Plan and as such it is considered necessary to answer the following questions to determine further if SEA is required.
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 of the EIA Directive? (Art 3.2 (a))	Y	The Neighbourhood Plan is being prepared for town and country planning and land use and will when adopted set out a framework for future development in the Neighbourhood Plan designated area. This could potentially include uses detailed in Annexes I and II of the EIA Directive.
4. Will the PP, in view of its likely effects on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art 3.2 (b))	N	The proximity of a number of European sites within 15km indicate that there could be potential for the plan to have a significant adverse effect on a European site. The Plan does propose the allocation of a number of sites for housing. Whilst the plan does include policies for the

		protection and enhancement of the natural and historic environment the Local Authority, on the basis of the potential for a number of allocations for development, are unable to confirm that the plan would not have a likely significant effect on these assets and for this reason is likely to require further assessment under the Habitat Directive.
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 Neighbourhood Plan has potential to determine the use of small areas at a local level, whether that is through the application of detailed criteria or the allocation of land.
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)	Y	The Neighbourhood Plan contains policies through which planning applications within the designated area will be determined.
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 2006/07? (Art 3.8, 3.9)	N	N/A
8. Is it likely to have a significant effect on the environment? (Art 3.5)	Y	<p>The Neighbourhood Plan will need to be in full conformity with national planning policy and general conformity with local planning policy. This includes policies contained in the adopted Core Strategy and adopted Development Management Document.</p> <p>Both documents have been subject to Sustainability Appraisal incorporating SEA assessment. The Sustainability Appraisal of both documents concluded that there were likely to be no significant</p>

		<p>effects from implementation of the Plan.</p> <p>Provided that the Neighbourhood Plan remains in conformity with these documents it is considered unlikely that there will be any significant effects emerging from the Neighbourhood Plan.</p> <p>That said the Plan does propose the allocation of a number of sites for housing. Whilst it is recognised that these will be caveated by the need to protect the historic and natural environment the local authority is unable to confirm with certainty that the Plan will not have a significant effect on the natural and/or historic environment.</p>
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3.3 Further analysis on the likely significant effects of the Neighbourhood Plan in relation to Schedule 1 of the Regulations is provided below.

Table 2- Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004.

SEA Requirement	Comments
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 Neighbourhood Plan has potential to determine the use of small areas at a local level, whether that is through the application of detailed criteria or the allocation of land.
b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The Plan sits in a hierarchy and must be in conformity with strategic policies in the development plan. It is unlikely to influence other plans and programmes.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The Neighbourhood Plan will promote sustainable development. It has a strong focus on environmental protection and the protection of heritage assets. This could be strengthened in final drafts of the plan especially in relation to designated assets.
(d) environmental problems relevant to the plan or programme	There are no environmental problems relevant to this plan.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and	The Neighbourhood Plan has no relevance to the implementation of Community legislation.

programmes linked to waste management or water protection).	
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	<p>The Neighbourhood Plan covers a 19 year plan period and seeks to support sustainable development to meet the needs of existing and future residents whilst at the same time protecting the environment, its green spaces and wildlife habitats.</p> <p>Whilst the plan provides a strong focus for the protection of the natural and historic environment it would benefit from increased reference to these assets especially in relation to internationally designated assets.</p> <p>The plan should include reference to how it will be monitored and how action will be taken if required. This is required to ensure compliance with the SEA requirements.</p>
(b) the cumulative nature of the effects	<p>The Plan proposes the potential allocation of a number of housing sites. The individual impacts of these assets will need to be assessed as will the cumulative impacts.</p> <p>To ensure compliance with SEA regulations it is recommended that reference to the need to consider the cumulative impacts of potential proposals be included.</p>
(c) the transboundary nature of the effects	There are no transboundary effects. The Plan applies to the Neighbourhood Plan 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)	Effects are considered to be limited to the Neighbourhood Plan area only, although this will need to be confirmed through a Habitats Regulation Assessment given the proximity of international designated sites and the proposed allocation of a number of sites.
(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	Whilst there is potential for impacts to environmental and historic assets the wording of the plan make this unlikely. The Plan is very much focussed on ensuring that the special qualities of this area are protected although it would benefit from increased reference to the protection and enhancement of internationally designated sites.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Given the potential allocation of a number of sites the effects of these will need to be assessed.

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4. Screening Outcome

- 4.1 Initial internal screening of the Neighbourhood Plan concludes that on the basis of the Plan provided and given the potential for a number of allocations within it the Council is unable to conclude with certainty that it would not result in a significant environmental effect.
- 4.2 On this basis it is recommended that the Plan be subject to SEA. This should commence with the scoping stage setting out the context for the assessment, objectives for on-going assessment and the establishment of the baseline and scope of the assessment. This will need to be prepared in consultation with the three SEA bodies of Natural England, Historic England and the Environment Agency. It is recommended that you allow a five week period for this consultation.
- 4.3 Following this you will need to assess the Plan against the SEA objectives identified through the initial scoping work. This will allow you to determine the effects of the plan and the appropriateness of the strategy and policies proposed. If adverse effects are viewed to be likely appropriate mitigation measures should be considered and a view taken as to whether these are sufficient to reduce or eliminate these effects.
- 4.4 An Environmental Report should be prepared to detail the assessment process with this then made available for consultation at the same time as the draft Plan.
- 4.5 The views of the three SEA bodies have been sought in order to confirm whether this initial screening report is correct.