



Strategic Environmental Assessment Screening Report

On behalf of
Peakirk Parish Council,
in relation to the Peakirk Neighbourhood Plan

Date of assessment:	27 July 2016
Date/ version of neighbourhood development plan to which Screening Report applies:	July 2016 Revision 7.1 Pre Submission Consultation Document

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Overview

Neighbourhood development plan (NDP) to which this Screening Report applies:

Peakirk Neighbourhood Development Plan

Version/ date of NDP to which this Screening Report applies:

July 2016 Revision 7.1 Pre Submission Consultation Document

Neighbourhood area to which the NDP applies:

Peakirk Neighbourhood Area (whole of Peakirk Parish)

Parish council/s within the neighbourhood area:

Peakirk Parish Council

1. Introduction

- 1.1 This screening report determines whether or not the contents of the Peakirk Neighbourhood Development Plan (Peakirk 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 Peakirk NDP is to *enable “Peakirk to remain a small, green village within a rural parish with a rich heritage and culture which can be enjoyed, protected and where possible enhanced, whilst supporting appropriate and proportionate growth”*. The aims of the Peakirk NDP relate to housing, community, ‘getting about’ (travel), and the environment:
 - Housing: “To remain separate from nearby villages whilst supporting appropriate growth.”
 - Community: “To support the rural amenities of the village and the community spirit of those who live in it.”
 - Getting about: “To widen the sustainable options available to all people in the parish for getting about without their cars and help solve some of the problems traffic travelling through the village creates.”
 - Environment: “To safeguard and where possible enhance the Parish’s rural setting and historic character. To support biodiversity and habitats of importance.”
- 1.3 The NDP identifies several objectives and subsequently policies to help achieve each of these aims, as well as ‘village projects’ to deliver the aims which are not planning related.
- 1.4 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 Peakirk NDP 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. Sections 5 and 6 present the outcomes of consultation with the Statutory Agencies and the screening outcome respectively.

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 development 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 NDP meets this basic condition, a Strategic Environmental Assessment (SEA) may be required to determine the likely significant environmental effects of implementing the NDP. 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).
- 2.3 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 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 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 Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and plans.

- 2.4 This report screens the Peakirk NDP against various criteria to determine if a Strategic Environmental Assessment is required. A SEA would assess the NDP 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);

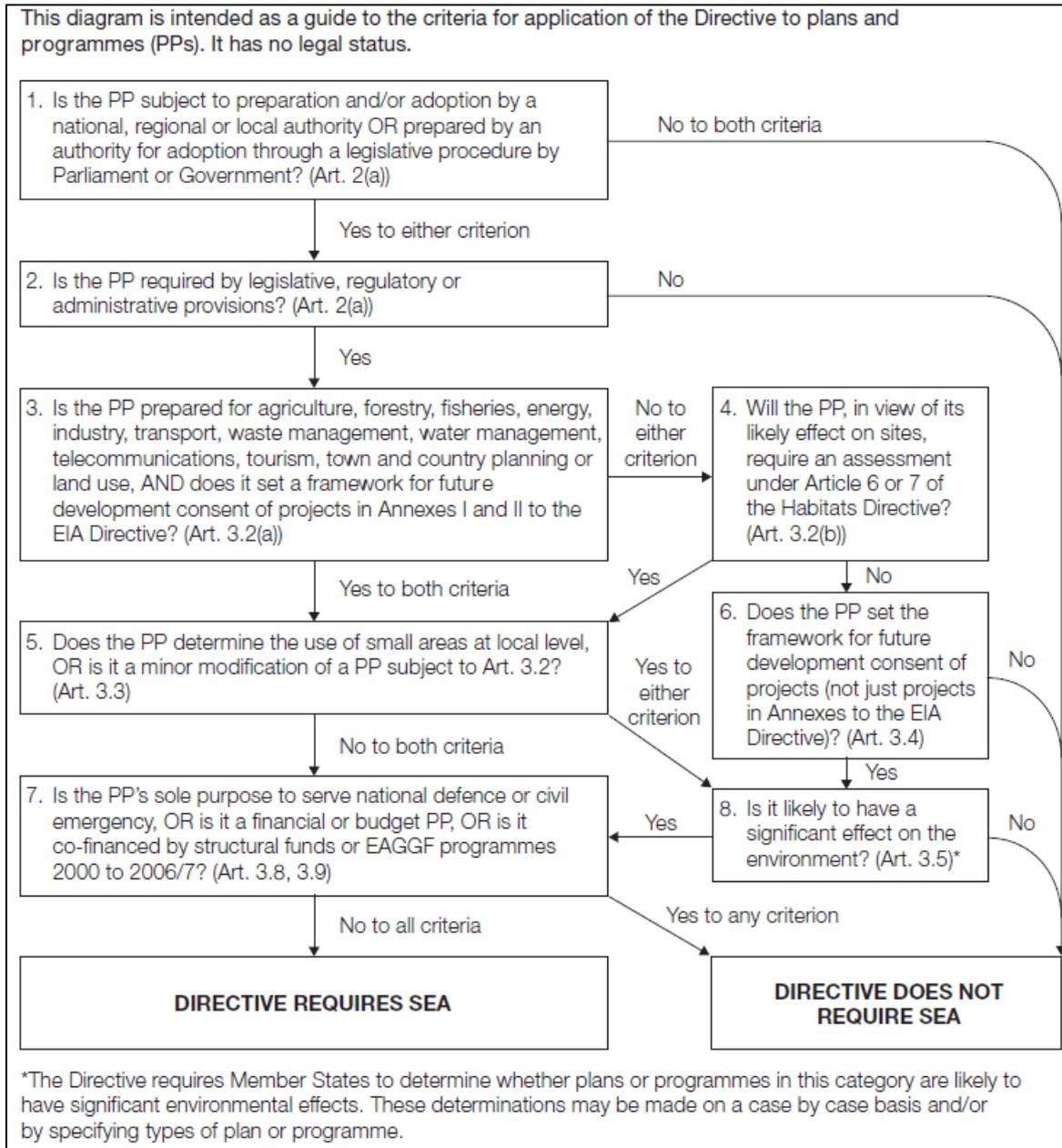
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage;
 - exceeded environmental quality standards or limit 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 diagram¹ which sets out the process for screening a planning document to ascertain whether a full SEA is required. See Figure 1 below.
- 4.2 Annexes I and II of Directive 2011/92/EU (as referred to in Figure 1, question 3) can be found here: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0092&from=EN> (see <http://ec.europa.eu/environment/eia/eia-legalcontext.htm> for details of amendments).
- 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>.

¹ Department of the Environment, A Practical Guide to the Strategic Environmental Assessment Directive (2005)

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



4.4 The process outlined in Figure 1 has been undertaken for the Peakirk NDP 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 Peakirk Neighbourhood Development Plan against Figure 1

Criteria	Response: Yes/ No/ Not applicable	Details
1. Is the NDP 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?	Yes	The preparation and adoption of the Peakirk NDP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Peakirk NDP has been prepared by Peakirk Parish Council but would be adopted by Peterborough City Council as the local authority. Go to criteria 2.
2. Is the NDP required by legislative, regulatory or administrative provisions?	Yes	Whilst the production of a NDP by a parish council is optional and not a <i>requirement</i> , a NDP will, if made, form part of the Development Plan for the local authority area. It is therefore important that the potential effects of the Peakirk NDP are considered. Go to criteria 3.
3. Is the NDP 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?	Yes to first part of question, no to second part	The Peakirk NDP 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 criteria 4.
4. Will the NDP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive?	No	The NDP does not require an assessment under Articles 6 or 7.
5. Does the NDP determine the use of small areas at local level, OR is it a minor modification of an NDP subject to Art. 3.2?	Not applicable	
6. Does the NDP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)?	Yes	The Peakirk NDP sets policies which will influence the determination of development projects within the Peakirk Neighbourhood Area. Go to criteria 8.

7. Is the NDP'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?	Not applicable	
8. Is it likely to have a significant effect on the environment?	No	The implementation of the Peakirk NDP (alongside national and local policy) is not likely to have a significant effect on the environment (as assessed in Table 2 below).
Outcome:		SEA not required

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

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Peterborough City Council Assessment	Likely significant environmental effect?
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;	The Peakirk NDP would, if adopted, form part of the Statutory Development Plan and contribute to the framework for future development projects. However, the Peakirk NDP would only apply to a very limited geographical area where few proposals are anticipated and any proposals are expected to be of a relatively small scale.	No
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The Peakirk NDP would not influence other plans and programmes to a significant degree. The Peakirk NDP is required to be in general conformity with the Peterborough Local Plan. While there is no requirement for any replacement of the Peterborough Local Plan to conform to the policies of the Peakirk NDP, the NDP may have some (limited) influence on policies within a future local plan.	No
(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 Peakirk NDP includes policies which factor environment considerations, namely PK12 Trees and PK13 Local Green Space (which allows development which enhances biodiversity).	No

	It is therefore considered that the NDP does integrate environmental considerations with a view to promoting sustainable development, though it is not anticipated that the environment effects will be significant.	
(d) environmental problems relevant to the plan or programme; and	The northern part of the village and northern and eastern parts of the neighbourhood area (parish) are classed as in flood zones 2 or 3. However the NDP does not have specific implications within the flood zone areas.	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 NDP is not relevant to the implementation of Community legislation on the environment.	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;	The effects of the implementation of the Peakirk NDP are expected to be minimal in terms of probability, duration and frequency.	No
(b) the cumulative nature of the effects;	The cumulative effects of the NDP are expected to be very 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);	The NDP is not expected to pose any risks to human health or the environment: the effects of policies may enhance these elements.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Peakirk neighbourhood area is relatively small scale and localised in nature. The extent of the effects of the implementation of the NDP are therefore expected to be limited to the immediate local area.	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 NDP is not proposing to allocate development sites. Policy PK5 Design and Amenity promotes the protection of the built and historic environment. The NDP is not expected to have any significant impacts in relation to these three characteristics.	No
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Any effects of the NDP are expected to be positive and localised: the effects are not likely to be significant.	No

5. Consultation of Statutory Agencies

- 5.1 The assessment in section 4 indicates that Peterborough City Council consider that it is unlikely that there will be significant environmental effects arising from the Peakirk NDP (as submitted at the date of this assessment) and thus a SEA is not required. The relevant Statutory Agencies, namely the Environment Agency, English Heritage and Natural England, have been consulted on this screening opinion based on the Peakirk NDP in its current form. The responses received during this consultation are detailed below.

Environment Agency

- 5.2 [Details of response- summary if long and copy of full correspondence in Appendix]

English Heritage

- 5.3 [Details of response- summary if long and copy of full correspondence in Appendix]

Natural England

- 5.4 [Details of response- summary if long and copy of full correspondence in Appendix]

6. Screening Outcome

- 6.1 As a result of the assessment in section 4, and following consultation of the Statutory Agencies, Peterborough City Council consider it likely/ unlikely [delete as appropriate] that there will be any [delete as appropriate] significant environmental effects arising from the [insert name] Neighbourhood Development Plan, as submitted at the date of this assessment. As such, a full SEA does/does not [delete as appropriate] need to be undertaken for the Peakirk Neighbourhood Development Plan.
- 6.2 If the objectives, aims and/ or policies covered by the Peakirk NDP 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 Peterborough City Council for advice in such instance.

Appendices

Appendix 1:

Appendix 2:

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