

Screening Opinion of the Need for Strategic Environmental Assessment (SEA) for the Ewhurst and Ellens Green Neighbourhood Development Plan

28 May 2021

Introduction

1. Any land use plan or programme must be screened against a set of criteria in Article 3 of the European Directive 2011/42/EC (the Directive) and Regulation 5 of the associated Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).
2. The National Planning Practice Guidance states that it is the responsibility of the Local Planning Authority to ensure that all the (neighbourhood planning) regulations have been met in order for it to progress.¹ The LPA must decide whether the proposed plan is compatible with EU obligations (including those under SEA and Habitats Regulations). If an SEA is required, the environment report must accompany the submission documents (Reg 15). If an SEA is not required, a statement detailing the screening process must be submitted/this screening statement must be submitted evidencing the reasons for the determinations.
3. For Neighbourhood Development Plans or Orders (NDP or NDO), the critical consideration is whether the plan or order 'is likely to have a significant effect on the environment' according to a set of criteria from Annex II of the Directive and Schedule 1 of the Regulations.
4. If the NDP or NDO is unlikely to have a significant effect on the environment, an SEA is not required.
5. This screening opinion must be subject to consultation with Historic England, the Environment Agency and Natural England. The results of the screening process must be detailed in a Screening Statement, made available to the public.

The Screening Process

6. Using the criteria set out in Annex II of the Directive and Schedule 1 of the Regulations, a Screening Opinion determines whether a plan or programme is likely to have significant effects.
7. The extract from 'A Practical Guide to the Strategic Environmental Assessment Directive' in Appendix 1 provides a flow diagram to demonstrate the SEA screening process.
8. Table 1 in Appendix 1 sets out the criteria from the Practical Guide, along with an assessment of the Ewhurst and Ellens Green NDP against each criterion to ascertain whether an SEA is required.
9. The assessment of likely significant effects on the environment is found in table 2.
10. A third element of the screening process relates to the Habitats Directive, and associated Conservation of Habitats and Species Regulations (2010). One of the basic conditions of neighbourhood planning is whether the making of the plan is compatible

¹ Paragraph: 031 Reference ID:11-031-20150209

with European obligations and therefore each NDP or NDO must be screened for likely significant effects on sites designated under this legislation².

The Ewhurst and Ellens Green Neighbourhood Development Plan/Order

11. The Ewhurst and Ellens Green NDP contains policies on the environment, community assets, heritage, transport, local green space and design. The Ewhurst Village Design Statement is included as an appendix to the NDP. The Neighbourhood Plan does not propose to allocate any sites for housing as the Parish has exceeded the minimum housing requirement set out in Local Plan Part 1.
12. The overall housing requirement for Ewhurst and Ellen's Green has been assessed through the LPP1 SA/SEA as part of consideration of the distribution of development across the Borough.
13. There are several environmental features within and close to the parish including AONB, AGLV, a Site of Special Scientific Interest (SSSI), a Local Nature Reserve (LNR), a Site of Nature Conservation Importance, areas of Ancient Woodland and UK BAP Priority Habitats, Biodiversity Opportunity Areas, Conservation Areas, land within Flood Zone 3, a Site of Nature Conservation Interest, Conservation Areas and Listed Buildings.

Background to the Ewhurst and Ellen's Green SEA Screening Opinion

14. The Ewhurst and Ellen's Green NDP has previously been screened for a SEA in 2018. At the time, it was unclear if the NDP would be allocating housing sites to meet the minimum housing requirement for the parish set out in Policy ALH1 of Local Plan Part 1. Waverley Borough Council issued a Screening Opinion on 27 April 2018. The Screening Opinion concluded a SEA was not required.
15. More recently, the Parish Council has confirmed the NDP is no longer proposing to allocate any housing sites as the housing requirement for the parish set out in Policy ALH1 of Local Plan Part 1 has been met. The Parish Council has requested the NDP is rescreened for SEA. This is to ensure consistency with the emerging NDP.
16. The Council received a request on 31 March 2021 from the Parish Council to rescreen the NDP for SEA. This request confirmed the NDP was not proposing to include site allocations for housing. The Council contacted the statutory bodies (i.e. Natural England, Historic England and the Environment Agency) to ask whether they would be satisfied for the SEA Screening Opinion issued in April 2018 to be re-issued. This was on the basis that the NDP was not proposing to allocate any housing sites and the impact on any protected sites was not likely to be significant. Natural England and Historic England confirmed that a SEA would not be required. The Environment Agency responded to say they would be unable to respond to our query due to workload pressures. Copies of correspondence received from the statutory bodies can be found at Appendix 2.

² In accordance with Schedule 2 of the Neighbourhood Planning (General) Regulations 2012, a NDP/NDO cannot be made if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out. Therefore, measures may need to be incorporated into the NDP/NDO to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations.

HRA Screening Opinion

17. Consultation has taken place with the statutory bodies regarding the need for an Appropriate Assessment. A copy of the correspondence can be found at Appendix 2. On the basis that a SEA is not required, the Ewhurst and Ellen's Green NDP would not give rise to significant effects on European Sites either alone or in-combination with other plans and/or projects.

Conclusions

1. As a result of the screening undertaken by the Council, the following determination has been reached.
2. The Ewhurst and Ellen's Green NDP is unlikely to have significant effects on Natura 2000 sites.
3. Based on the assessment presented in Tables 1 & 2, the Ewhurst and Ellen's Green NDP is unlikely to have a significant effect on the environment.
4. The Ewhurst and Ellen's Green NDP does not require a Strategic Environmental Assessment.
5. The Ewhurst and Ellen's Green NDP does not require an Appropriate Assessment.

Appendix 1: Detailed assessment for SEA Screening

Figure 1. Application of the SEA Directive to NDP/NDOs.

Based on 'A Practical Guide to the Strategic Environmental Assessment Directive' (DCLG) (2005)

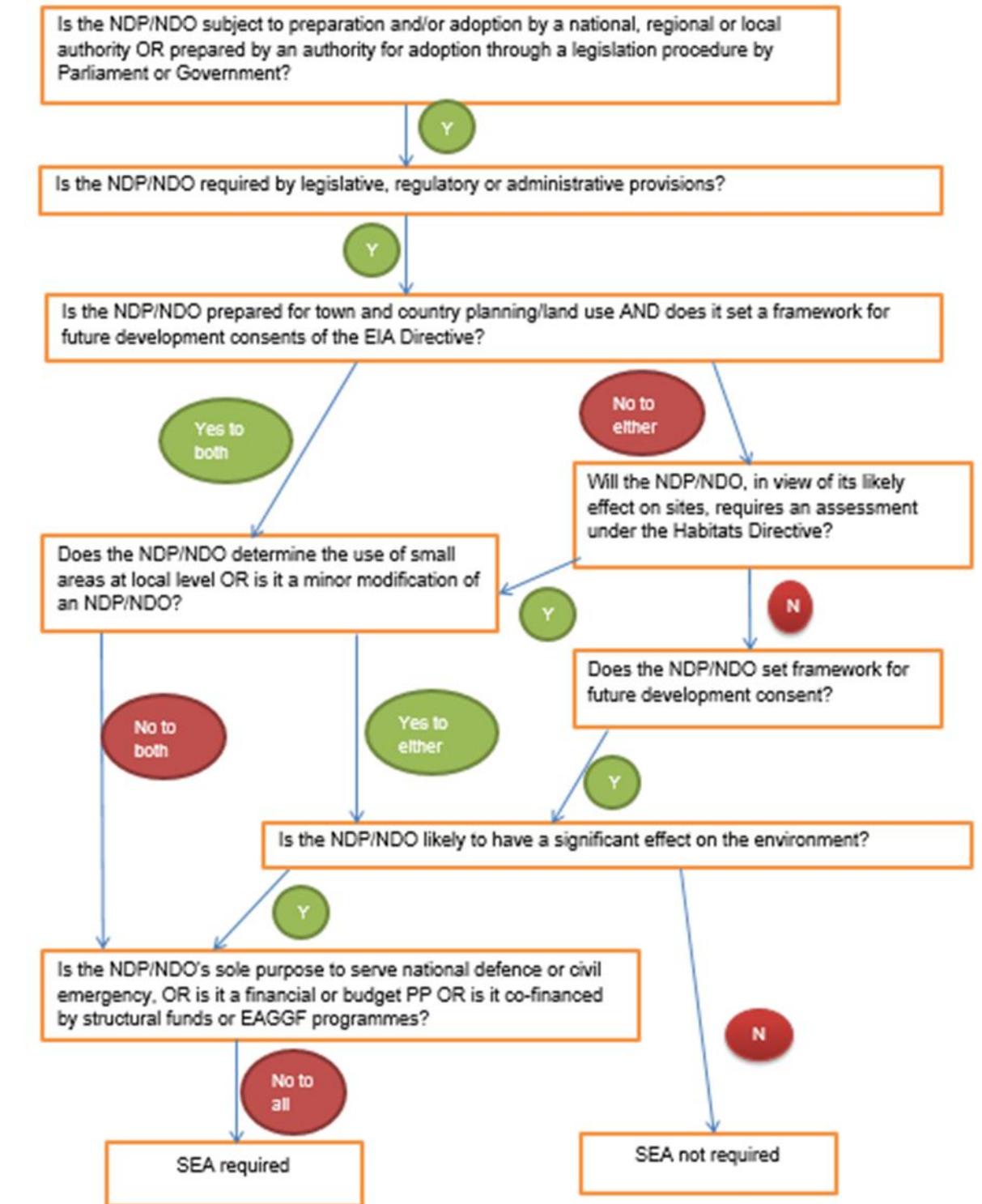


Table 1: Application of SEA Directive Screening Criteria to the Ewhurst and Ellen’s Green NDP

Stage	Y/N	Explanation
Is the NDP/NDO subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislation procedure by Parliament or Government?	Y	<p>The preparation of and adoption of a NDP or NDO is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011 and subject to the following regulations:</p> <ul style="list-style-type: none"> • The Neighbourhood Planning (General) Regulations 2012 • The Neighbourhood Planning (Referendums) Regulations 2012 • The Neighbourhood Planning (General) (Amendment) Regulation 2015. <p>NDPs/NDOs are prepared by a Parish Council or a Forum (as the ‘relevant body’) and will be ‘made’ by Waverley Borough Council as the local authority.</p>
Is the NDP/NDO required by legislative, regulatory or administrative provisions?	Y	<p>Whilst the NDP/NDO is not a requirement and is optional under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will, if ‘made’, form part of the Development Plan for the Borough. As such it will pass through the formal plan preparation procedures within the Council.</p>
Is the NDP/NDO prepared for town and country planning/land use AND does it set a framework for future development consents of EIA Directive?	Y	<p>The Ewhurst and Ellen’s Green NDP is prepared for town and country planning and land use and will set out a framework for future development in the parish of Ewhurst and Ellen’s Green. However, these projects are not of the scale referred to in Annex 4(2) of the EIA Directive – listed at Annex II of the Directive.</p>
Will the NDP/NDO, in view of its likely effect on sites, requires an assessment under Article 6 or 7 of the Habitats Directive?	N	<p>The Ewhurst and Ellen’s Green NDP will not have significant effects on Natura 2000 Sites.</p>
Does the NDP/NDO determine the use of small areas at a local level OR is it a minor modification of an NDP/NDO?	Y	<p>The Ewhurst and Ellen’s Green NDP will not be allocating land for residential development. The NDP will include policies to guide future development in the parish and will be identifying land within the parish as local green space and valued community buildings.</p>

Stage	Y/N	Explanation
Does the NDP/NDO set framework for future development consent?	Y	When made, the Ewhurst and Ellen's Green NDP will include a series of policies to guide development within the settlement. These policies will inform the determination of planning applications providing a framework for future development consent of projects. However, these policies are required to be in general conformity with the policies in the Local Plan, which have been subject to a SA/SEA.
Is the NDP/NDO's sole purpose to serve national defence or civil emergency, OR is it a financial or budget PP OR is it co-financed by structural funds or EAGGF programmes?	N	These conditions are not applicable to neighbourhood planning.
Is the NDP/NDO likely to have a significant effect on the environment?	N	The NDP does not propose to allocate housing sites and the level of development within the parish up to 2032 is set by Local Plan Part 1. The neighbourhood plan is unlikely to have significant effects on the environment. See the assessment in Table 2.

Table 2. Assessment criteria for determining the likely significance of effects on the environment

Based on Schedule 1 of the SEA Regulations (2004)

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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 Ewhurst and Ellen's Green NDP would, if adopted, form part of the statutory Development Plan and as such does contribute to the framework for future development consent of projects. The Ewhurst and Ellen's Green NDP will sit within the wider framework set by the National Planning Policy Framework, the strategic policies of the Waverley Local Plan Part 1 (2032). This plan will set projects at a local scale and will have limited resource implications.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The Ewhurst and Ellen's Green NDP will have regard to national policy and be in general conformity with the strategic policies of the Borough's Local Plan. It is unlikely to influence other plans or programmes within the Statutory Development 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 Ewhurst and Ellen's Green NDP will promote sustainable development of the parish; this is one of the basic conditions of neighbourhood planning. It is likely to contain policies relating to the environment, heritage, and design and by being in conformity with the Local Plan Part 1, it continues the golden thread of the presumption in favour of sustainable development.
(d) environmental problems relevant to the plan or programme; and	The parish contains the following environmental designations; AONB, AGLV, a Site of Special Scientific Interest (SSSI), a Local Nature Reserve (LNR), a Site of Nature Conservation Importance, areas of Ancient Woodland and UK BAP Priority Habitats, Biodiversity Opportunity Areas, Conservation Areas, land within Flood Zone 3, a Site of Nature Conservation Interest, Conservation Areas and Listed Buildings. As the neighbourhood plan must be in general conformity with the NPPF and LPP1, and given the level of development proposed through the NDP, the NDP will not allocate development which is likely to have a significant impact on these designations.
(e) the relevance of the plan or programme for the implementation of Community legislation on the	The NDP is not considered to have an adverse impact on water levels and quality in the Thames Basin Heaths, Wealden Heaths SPA, Thursley, Ash, Pirbright and Chobham SAC or Ashdown Forest SPA.

Based on Schedule 1 of the SEA Regulations (2004)	
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;	The Ewhurst and Ellen's Green NDP is likely to have modest but enduring environmental effects. The effects are not likely to be reversible as they will emanate from physical developments, however they will be of a local scale. The plan seeks to ensure that effects are positive in nature.
(b) the cumulative nature of the effects;	The level of growth predicted at Ewhurst and Ellen's Green has been assessed by the SA/SEA of the Local Plan Part 1 and no significant effects have been identified across the Borough.
(c) the transboundary nature of the effects;	Transboundary effects are defined in the SEA Regulations (Reg. 14) as those affecting another Member states. It is not expected that any effects should arise in other Member states from the Ewhurst and Ellen's Green NDP.
(d) the risks to human health or the environment (for example, due to accidents);	There are no significant risks to human health or the environment from the Ewhurst and Ellen's Green NDP.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Ewhurst and Ellen's Green NDP relates to the parish of Ewhurst and Ellen's Green. The magnitude and spatial extent of the effects are likely to be local in scale.
(f) the value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> a. special natural characteristics or cultural heritage b. exceeded environmental quality standards or limit values; or c. intensive land-use; 	The main vulnerability of the parish is the impact of small scale developments on the character and appearance of the Conservation Areas and setting of Listed Buildings, however given the likely scale of development and the need for the NDP to be in general conformity with the NPPF and LPP1, there are likely to be no significant effects.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The main potential effect is the potential for small scale development to have an impact on the AONB, however given the likely scale of development and the need for the NDP to be in general conformity with the NPPF and LPP1, there are likely to be no significant effects.

Appendix 2: Correspondence from the Statutory Bodies

Natural England



[Redacted]

To Katherine Dove
Cc Christine Goudie

Reply Reply All Forward ...

Wed 14/04/2021 13:27

[SharePoint] This message was saved in Planning Policy > NDPs and other Community Issues > Neighbourhood Plans > Ewhurst and Ellens Green > 4. Plan preparation > SEA Re-Screening April 2021 > Responses from Stat Bodies

Follow up. Start by 14 April 2021. Due by 14 April 2021.

[** This email originates from an external source **]

Dear Katherine,

I can confirm that if the Neighbourhood Plan is now no longer allocating any housing developments, then it is unlikely to cause any impacts to any sites. Whether that be SSSI sites as raised in the previous NE response or Habitats Sites. A HRA will not be required.

I hope this helps,

Kind Regards

[Redacted]

[Redacted] - Senior Planning Adviser
Thames Solent Team
Natural England

[Redacted]

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Historic England

Fw: SEA Screening Opinion - Ewhurst and Ellens Green Neighbourhood Plan



To Katherine Dove

Reply Reply All Forward

Wed 05/05/2021 16:37

Follow up. Start by 05 May 2021. Due by 05 May 2021.
If there are problems with how this message is displayed, click here to view it in a web browser.

[This email originates from an external source **]**

Dear Katherine

Thank you for inviting Historic England's comment on the screening of the Ewhurst and Ellen's Green Neighbourhood Plan for Strategic Environmental Assessment. As Historic England's remit is limited to advising on the implications of planning for the historic environment, our assessment of the plan's potential environmental effects has been limited to these areas.

I'm happy to confirm our agreement, based on the information provided, that it appears the plan is unlikely to have likely significant environmental effects within areas of interest to ourselves that would merit the completion of Strategic Environmental Assessment.

We reserve the right to request a review of this opinion and to amend our view if the plan should change in scope at a later stage of drafting.

Yours sincerely

[Redacted signature]

[Redacted name] | Historic Places Adviser | South East England | Historic England
Cannon Bridge House | 25 Dowgate Hill | London | EC4R 2YA

[Redacted contact information]

Environment Agency

RE: SEA Screening Opinion - Ewhurst and Ellens Green Neighbourhood Plan



Planning_THM <Planning_THM@environment-agency.gov.uk>

To Katherine Dove
Cc Christine Goudie



Fri 23/04/2021 14:57

[** This email originates from an external source **]

Dear Katherine,

Thank you for consulting the Environment Agency on your SEA screening opinion for the Ewhurst and Ellens Green neighbourhood plan.

We regret that at present, the Thames Area Sustainable Places team is unable to review this consultation. This is due to resourcing issues within the team, a high development management workload and an increasing volume of neighbourhood planning consultations. We have had to prioritise our limited resource, and must focus on influencing plans where the environmental risks and opportunities are highest. For the purposes of neighbourhood planning, we have assessed those authorities who have “up to date” local plans (plans adopted since 2012, or which have been confirmed as being compliant with the National Planning Policy Framework) as being of lower risk. At this time, therefore, we are unable to make any detailed input on neighbourhood plans being prepared within this local authority area.

However, together with Natural England, English Heritage and Forestry Commission, we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at:

http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6524_7da381.pdf

Kind regards

Planning Advisor

Area Sustainable Places Team

The Environment Agency

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Tel:

Email: planning_THM@environment-agency.gov.uk

Web: www.environment-agency.gov.uk

Speak to us early about environmental issues and opportunities - We can provide a free pre-application advice note or for more detailed advice / meetings / reviews we can provide a project manager to coordinate specialist advice / meetings which costs £100 per hour (plus VAT). For more information email us at planning_THM@environment-agency.gov.uk

