



Queen Camel Neighbourhood Plan

Strategic Environmental Assessment and Habitats Regulations Screening Report

January 2015

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Report

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1. Introduction

- 1.1 One of the basic conditions is that a Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations. These obligations include the SEA Directive and Habitats Directive. The Habitats Directive requires that plans do not have significant effects on European sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites).
- 1.2 A Strategic Environmental Assessment (SEA) is required under European legislation for all plans which may have a significant effect on the environment. This particularly relates to plans which designate sites for development such as the District Council's Local Plan and Neighbourhood Plans produced by parish councils.
- 1.3 A Habitats Regulations Assessment (HRA) is a process which looks at the potential impact of proposals within a plan on European sites.
- 1.4 South Somerset District Council is required to determine whether or not the contents of the Queen Camel Neighbourhood Plan require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC¹ and associated Environmental Assessment of Plans and Programmes Regulations 2004. If it is concluded that an SEA is required, the Queen Camel Frontrunner Steering Group are responsible for its production and it must form part of the material that is consulted on once the formal consultation stage is reached.
- 1.5 The aims of the Queen Camel Neighbourhood Plan are to:
 - Create new opportunities for local people to live and work in the parish and so strengthen the community and the local economy.
 - To support future housing development that meets the needs of the local community and is sited where it can best enhance Queen Camel's character and appearance.
 - To promote businesses which provide services and employment within the community.
 - To provide adequate car parking.
 - To improve access for vulnerable road users and pedestrians.
 - To preserve existing green spaces and improve access to public footpaths for all ages and abilities, both within the parish and between Queen Camel and neighbouring parishes.
 - To maintain, improve and extend recreational facilities so that they better meet the needs and aspirations of local residents of every age and ability.
 - To preserve and enhance the character of the village including its conservation area and historically significant monuments and features.
- 1.6 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4 provides a screening assessment of the likely significant environmental effects of the Neighbourhood Plan and considers the need for a full SEA.

¹ 'SEA Directive'

2. Legislative Background

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC as transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations 2004 (from here on referred to as “the 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 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, part of the Habitats Regulations Assessment process. To achieve this, paragraph 1 prescribes a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site. Paragraphs 2 to 5 of Schedule 2 amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and neighbourhood plans. In particular, paragraph 4 inserts new regulation 78A which provides that a neighbourhood development order may not grant planning permission for development which is likely to have a significant effect on a European site.
- 2.3 The Planning and Compulsory Purchase Act 2004 (as amended) requires Sustainability Appraisal, incorporating SEA, to be carried out for Local Plans. The National Planning Practice Guidance (NPPG)² explains that there is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development. A sustainability appraisal (SA) may be a useful approach for doing this and the guidance on sustainability appraisal of Local Plans should be referred to.
- 2.4 In some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may fall within the scope of the Regulations and so require a strategic environmental assessment. One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive).
- 2.5 Whether a neighbourhood plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example, where³:
- a neighbourhood plan allocates sites for development
 - the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
 - the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

² NPPG Paragraph: 026 Reference ID: 11-026-20140306

³ NPPG Paragraph: 027 Reference ID: 11-027-20140306

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- 2.6 To decide whether an emerging neighbourhood plan might have significant environmental effects, its potential scope should be screened at an early stage against the criteria set out in Schedule 1 the Regulations.⁴
- 2.7 This report focuses on screening the Queen Camel Neighbourhood Plan for SEA and HRA.

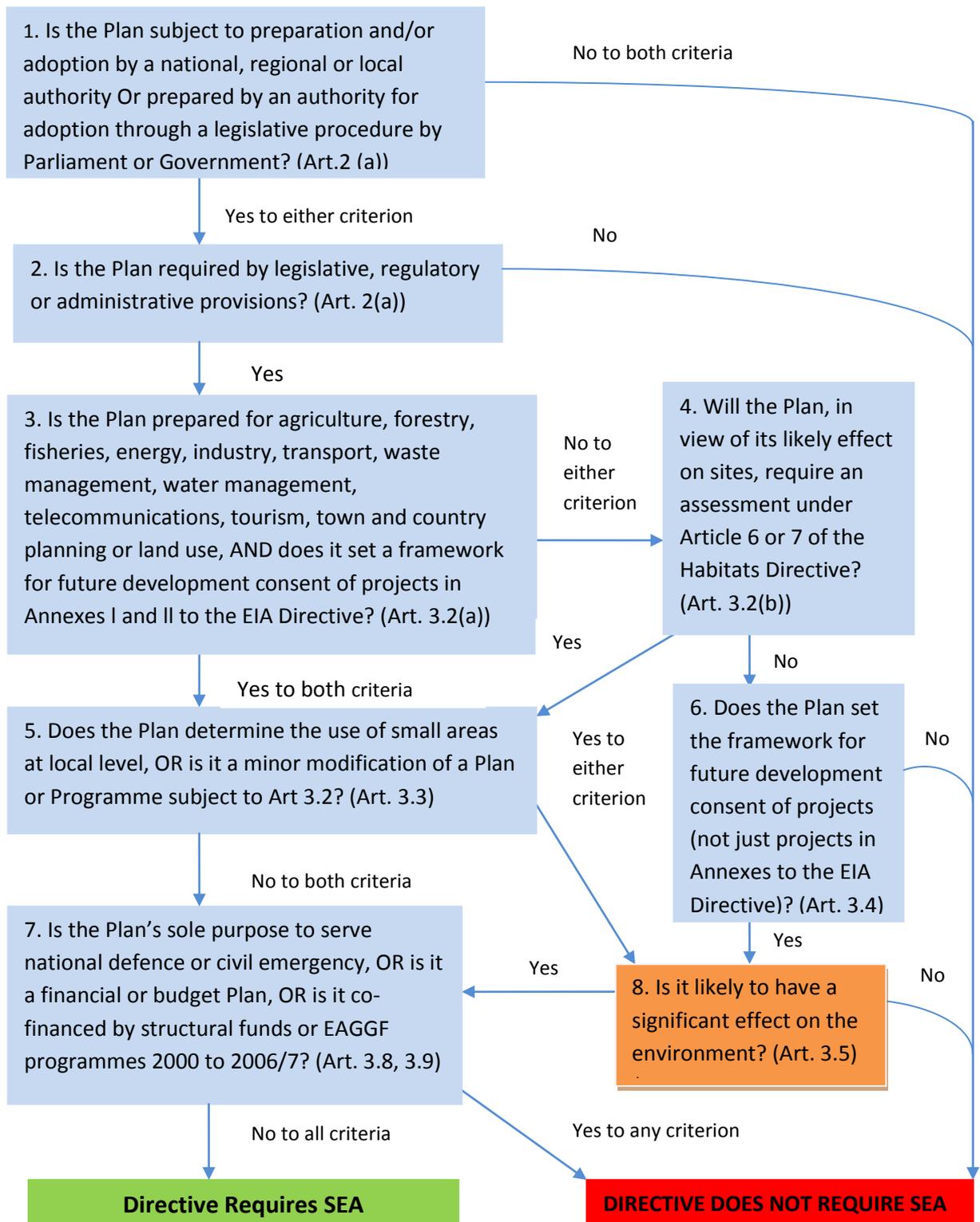
⁴ NPPG Paragraph: 029 Reference ID: 11-029-20140306

3. An Overview of the Screening Assessment

- 3.1 Figure 1 below reflects 'A practical guide to the Strategic Environmental Assessment Directive' and illustrates the process for screening a Neighbourhood Plan to ascertain whether a full SEA is required (Article numbers relate to European Directive 2001/42/EC).
- 3.2 In order to carry out the screening process it is necessary to consider each of the criteria set out in Figure 1, this is done in Table 1. Table 2 explicitly addresses criterion 8 (coloured orange) by considering if the Neighbourhood Plan is likely to have a significant effect on the environment. This is done by considering the Plan against the criteria for determining the likely significance of effects referred to in the Directive⁵. The criteria are listed in Figure 2 of this document.
- 3.3 Once the process set out in Figure 1 has been completed a screening outcome can be reached and the conclusion can be found in section 5.

⁵ Article 3.5 of European Directive 2001/42/EC

Figure 1: Application of the SEA Directive to Neighbourhood Plans



*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.

- 3.4 The criteria for determining the likely significance of effects referred to in the Directive⁶ are set out in Figure 2.

Figure 2: Criteria for Determining Likely Significance of Effects

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.

⁶ Article 3.5 of European Directive 2001/42/EC (these criteria are replicated in Schedule 1 of the Regulations)

4. Carrying out the Assessment of Queen Camel Neighbourhood Plan

- 4.1 Queen Camel Neighbourhood Plan Steering Group has indicated that it would like to see a range of policies that support the aims of the Neighbourhood Plan (see paragraph 1.5 of this document)⁷. It is understood that policies will be drafted which support development for residential use to meet local needs, promote businesses, support the provision of new and extended recreation facilities, preserve green spaces and protect heritage assets.
- 4.2 The only European site within South Somerset is the Somerset Levels and Moors Special Protection Area/Ramsar. One other European site⁸ is in close proximity to the district boundary. These sites have been addressed in the Habitats Regulations Assessment which has been carried out alongside the South Somerset Local Plan.
- 4.3 Table 1 assesses whether the Queen Camel Neighbourhood Plan will require a full SEA. The criteria within Table 1 are drawn from Figure 1 which sets out how the SEA Directive should be applied. The maps in Appendix 1 show the environmental constraints within the Queen Camel Neighbourhood Area.

Table 1: Assessment of the Need for SEA

Assessment Criteria	Assessment	
1. Is the Plan 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))	Yes	Neighbourhood Plans are prepared by parish/town councils (as the “qualifying body”) under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Once the Plan has been prepared, and subject to examination and referendum, it will be “made” by South Somerset District Council as the Local Planning Authority. GO TO ASSESSMENT CRITERION 2
2. Is the Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	Whilst producing a Neighbourhood Plan is not a requirement and is optional, it will if ‘made’ form part of the statutory Development Plan for the District and will be used when making decisions on planning applications. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive. GO TO ASSESSMENT CRITERION 3

⁷ See paragraph 1.5 of this document

⁸ Bracket’s Coppice Special Area of Conservation, located south east of Crewkerne in Dorset.

<p>3. Is the Plan 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))</p>	<p>Yes</p>	<p>Queen Camel Neighbourhood Plan is prepared for town and country planning and land use purposes and does set out a framework for future development in Queen Camel. It aims to support development for residential use to meet local needs and promote business use as well as supporting the provision of new and extended recreation facilities therefore this may fall under 10(a & b) of Annex II of the EIA Directive.</p> <p>GO TO ASSESSMENT CRITERION 5</p>
<p>4. Will the Plan, 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))</p>		<p>NOT APPLICABLE (refer to Figure 1)</p>
<p>5. Does the Plan determine the use of small areas at local level, OR is it a minor modification of a Plan or Programme subject to Art. 3.2? (Art. 3.3)</p>	<p>Yes</p>	<p>Queen Camel Neighbourhood Plan intends to support development for residential use to meet local needs and business use as well as supporting the provision of new and extended recreation facilities and protecting local green space and heritage assets.</p> <p>GO TO ASSESSMENT CRITERION 8</p>
<p>6. Does the Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)</p>		<p>NOT APPLICABLE (refer to Figure 1)</p>
<p>7. Is the Plan'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)</p>		<p>NOT APPLICABLE (refer to Figure 1)</p>
<p>As a result of the response to assessment criterion 5 it is necessary to consider the Neighbourhood Plan under assessment criterion 8. Table 2: Determining the Likely Significant Effects of the Queen Camel Neighbourhood Plan on the Environment does this by using the criteria set out in Figure 2 of this document.</p>		

Table 2: Determining the Likely Significant Effects of the Queen Camel Neighbourhood Plan on the Environment

Significant effect criteria	Assessment	Likely Significant Environmental effect
The characteristics of the plans, having regard to:		
The degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The Queen Camel Neighbourhood Plan intends to support development for residential use to meet local needs and for business use as well as supporting the provision of new and extended recreation facilities and protecting local green space and heritage assets, setting a framework for other projects. There is therefore the potential for an effect on the environment resulting from policies in the plan. However, the Neighbourhood Plan sits within the wider framework of the National Planning Policy Framework (NPPF), the saved policies of the South Somerset Local Plan 1991-2011 and the emerging South Somerset Local Plan 2006-2028, therefore the Neighbourhood Plan will help to set the framework for projects that are localised in nature and are likely to have limited resource implications.	No
The degree to which the plan influences other plans and programmes including those in a hierarchy.	The Neighbourhood Plan will be in general conformity with the NPPF and with the strategic policies of the South Somerset Local Plan (saved and emerging policies). The Neighbourhood Plan should not significantly influence other plans and programmes.	No
The relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development.	A Neighbourhood Plan is required to contribute to the achievement of sustainable development and covers a parish wide geographical area. Therefore the likely significant effects on the environment are minimised as the Neighbourhood Plan should integrate environmental considerations and promote sustainable development.	No
Environmental problems relevant to the plan.	The environmental impacts of the proposals within the Queen Camel Neighbourhood Plan are likely to be minimal. Whilst part of the parish is located within Flood Zones 2 & 3 (most notably around the existing school site), any future proposals in that location would be subject to a site-specific flood risk assessment in accordance with the NPPF. The parish also	No

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	has a number of heritage assets including a Conservation Area, listed buildings and archaeological assets listed on Somerset Historic Environment Records which the Neighbourhood Plan intends to protect.	
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).	The Neighbourhood Plan has to be in conformity with the Local Plan. The Local Plan has had regard to European Community legislation on the environment and therefore the NP is not directly relevant to the implementation of other European legislation.	No
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 Neighbourhood Plan is likely to allow for development to take place in Queen Camel therefore some element of environmental change will take place, however the overall impacts will be in accordance with the emerging Local Plan and unlikely to have a significant effect.	No
The cumulative nature of the effects.	The Neighbourhood Plan should not lead to significant cumulative impacts as long as the allowance for housing to meet local needs ensures that a local need is demonstrated.	No
The transboundary nature of the effects.	The parish of Queen Camel is not located close to the District or County boundaries and the aims of the Neighbourhood Plan are unlikely to have an impact on neighbouring areas.	No
The risks to human health or the environment (e.g. due to accidents).	There is limited risk to human health or the environment as result of the aims of the Queen Camel Neighbourhood Plan.	No
The magnitude and spatial extent of the effects (geographical area and size of	The Neighbourhood Area (NA) covers the civil parish of Queen Camel which has a resident population of 908 people (2011 Census). The aims of the plan are locally based and are unlikely to have a significant impact on a wider	No

the population likely to be affected) by the Plan.	geographical area or population.	
<p>The value and vulnerability of the area likely to be affected by the Plan due to:</p> <ul style="list-style-type: none"> - 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. 	<p>Queen Camel NA has no sites of national archaeological or wildlife/geological significance. The NA does have some Local Wildlife/Geology sites to the north and the southern part of the Hazelgrove House Historic Park and Garden falls within the NA (saved Local Plan policies EC6 and EH8)⁹. A large proportion of the existing built up area of the settlement is within an Area of High Archaeological Potential (saved Local Plan Policy EH12) and there is a known Roman Villa in the west of Queen Camel (Somerset Historic Environment Record 22545). A Conservation Area covering a large proportion of the existing built settlement. Parts of the Queen Camel NA are designated as Flood Zones 2 and 3 (medium – high flood risk), including an area that runs through the northern edge of the village.</p> <p>There are no landscapes which have a recognised national, Community or international protection status in the Queen Camel NA.</p> <p>The Neighbourhood Plan intends to protect these valued areas. The saved and emerging policies within the Local Plan also mitigate any significant impacts.</p>	No
Criterion 8 Conclusion	The Queen Camel Neighbourhood Plan is unlikely to have a significant effect on the environment.	

⁹ Saved Policies of South Somerset Local Plan 1991-2011, adopted 2006

5. Screening Outcome

- 5.1 As a result of the findings set out in Table 1: Assessment of the Need for SEA and Table 2: Determining the Likely Significant Effects of the Queen Camel Neighbourhood Plan on the Environment, it is concluded that the aims of the Queen Camel Neighbourhood Plan are not likely to have significant environmental effects; consequently a full SEA is not required.
- 5.2 The aims of the Queen Camel Neighbourhood Plan are particularly supported by emerging South Somerset Local Plan 2006-2028 Policies SS2: Development in Rural Settlements, EQ2: Design & General Development and EQ3: Historic Environment, all of which have been prepared in accordance with the SEA Directive by being subject to Sustainability Appraisal.
- 5.3 Given the lack of European Sites in the vicinity of the neighbourhood area, and the limited wider impacts likely from the plan itself, this screening also concludes that Queen Camel Neighbourhood Plan will not have significant effects upon the integrity of European sites.
- 5.4 The three statutory consultation bodies, English Heritage, Natural England and the Environment Agency were consulted on 4th December 2014 to determine if they agree with the screening outcomes of this report. Their Responses are summarised Table 3 below:

Table 3: Summary of Consultation Responses from Statutory Bodies

Statutory Consultee	Summary of Comments
Natural England – replied via email on 23/12/14	I can confirm that Natural England concurs with the conclusions of the draft screening report, namely that SEA and HRA are not required in this instance.
Environment Agency – replied via email on 30/12/14	I can confirm that we are satisfied with the screening report and the outcomes that SEA / HRA are not required.
English Heritage – replied via email on 19/01/15	I can confirm that we have no objection to your determination that an SEA is not required.

- 5.5 In the light of the District Council's findings and the responses from the statutory consultees it is concluded that there is **no requirement** for a full SEA or HRA to be undertaken.

Appendix 1 – Maps showing constraints

