



## **East Coker Neighbourhood Plan**

# **Strategic Environmental Assessment and Habitats Regulations Screening Report**

**May 2015**

East Coker Neighbourhood Plan  
Strategic Environmental Assessment and Habitats Regulations Assessment Screening  
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 Strategic Environmental Assessment (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 East Coker Neighbourhood Plan require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC<sup>1</sup> and associated Environmental Assessment of Plans and Programmes Regulations 2004. If it is concluded that an SEA is required, the East Coker Neighbourhood Plan 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 objectives of the emerging East Coker Neighbourhood Plan are to:
  - Preserve the rich heritage and history of East Coker by protecting and enhancing historic and natural environment assets and their settings. Ensure the design of all new development is sympathetic in style and character to the location.
  - Support the provision of small scale suitable development that meets the need of the parish community including affordable housing, family housing and housing suitable for older people, enabling people with a local connection to stay in the Parish throughout their lifetime.
  - Work positively in the implementation of the urban extension of Keyford (should it proceed) to ensure that its adverse impact on the wider rural residential, historic and natural environment is minimized for the benefit of current and future residents.
  - Encourage local business to flourish and encourage new start-ups consistent with our vision.
  - To follow a brownfield first policy for development (employment and housing) subject to overriding environmental or heritage issues.
  - Protect the Parish's Best and Most Versatile Agricultural Land.
  - To ensure that sufficient community and leisure facilities are maintained to serve the Parish including new provision deemed necessary in the future.
  - Support the ongoing viability and vitality of East Coker Primary School.
  - East Coker Parish Council will ensure that all new development and payments derived from development schemes support provision of adequate social and recreational facilities for young and old to secure the long term future of community facilities that make the parish special.

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<sup>1</sup> 'SEA Directive'

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- East Coker Parish Council will identify and work with organisations e.g. Somerset County Council, the Environment Agency, Wessex Water and local landowners to ensure that the impact of flood risk is minimised.
  - Encourage the retention and enhancement of retail provision in the village through the positive promotion of these facilities.
- 1.6 The legislative background in the following chapter 2 outlines the regulations that determine the need for this screening exercise. Chapter 3 gives an overview of the screening process, whilst chapter 4 provides a screening assessment of the likely significant environmental effects of the emerging East Coker Neighbourhood Plan and considers the need for a full SEA. The outcome of the screening assessment is set out in Chapter 5.

## 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, known as the SEA Regulations (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) and the National Planning Practice Guidance.
- 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 of Schedule 2 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.
- 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)<sup>2</sup> 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, where<sup>3</sup>:
- 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.

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<sup>2</sup> NPPG Paragraph: 026 Reference ID: 11-026-20140306

<sup>3</sup> NPPG Paragraph: 027 Reference ID: 11-027-20140306

- 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.<sup>4</sup>
- 2.7 This report focuses on screening the emerging East Coker Neighbourhood Plan for SEA and HRA.

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<sup>4</sup> NPPG Paragraph: 029 Reference ID: 11-029-20140306

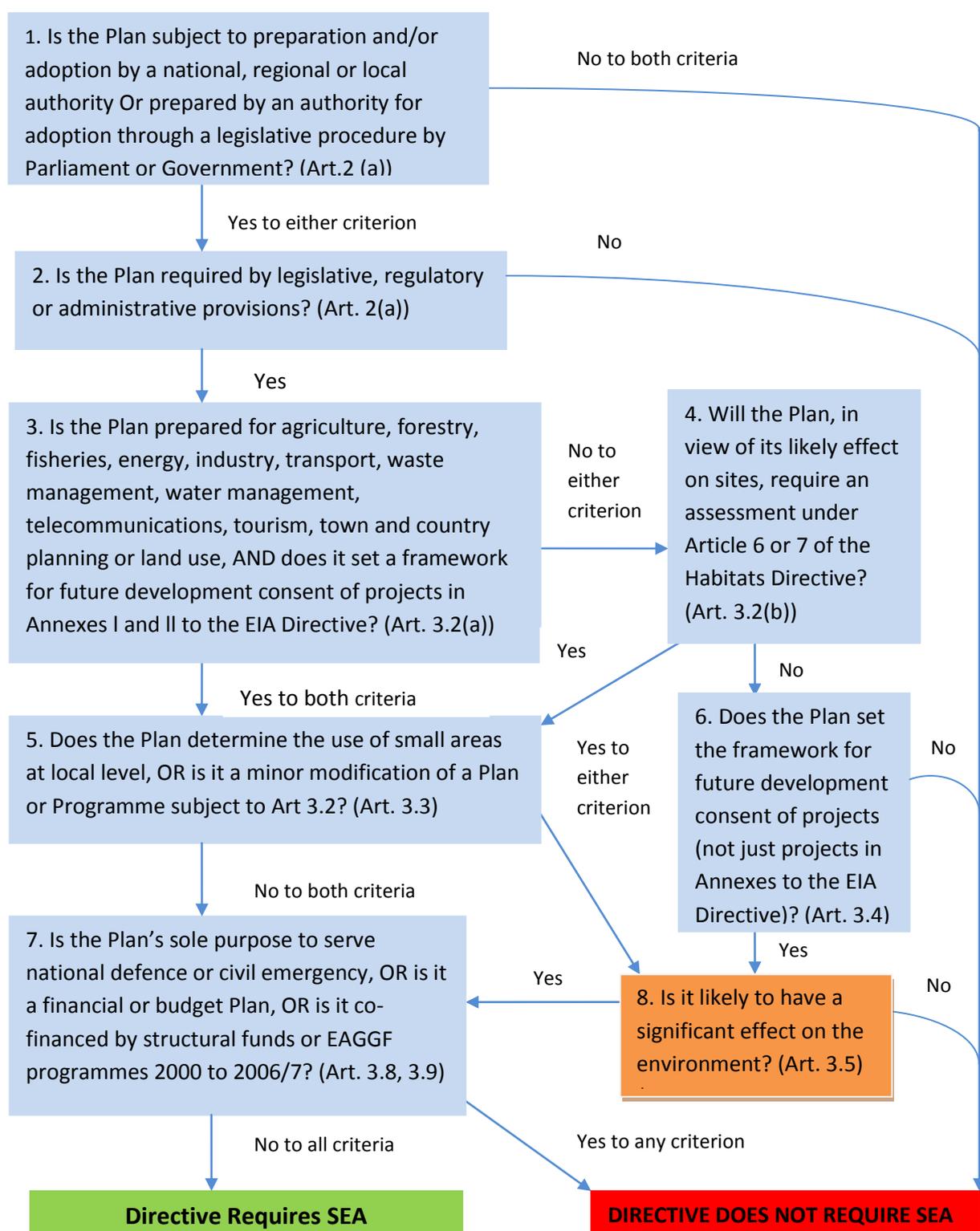
### **3. An Overview of the Screening Assessment**

- 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 Directive<sup>5</sup> - these criteria are listed in Figure 2.
- 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.

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<sup>5</sup> 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 Directive<sup>6</sup> 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.

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<sup>6</sup> 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 East Coker Neighbourhood Plan

- 4.1 East Coker 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)<sup>7</sup>. 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 site<sup>8</sup> 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 East Coker Neighbourhood Plan will require a full SEA. The criteria within Table 1 are drawn from Figure 1 above which sets out how the SEA Directive should be applied. Appendix 1 contains a map showing the environmental constraints within the East Coker 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))	<b>Yes</b>	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.  <b>GO TO ASSESSMENT CRITERION 2</b>
2. Is the Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	<b>Yes</b>	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.  <b>GO TO ASSESSMENT CRITERION 3</b>

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<sup>8</sup> 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><b>Yes</b></p>	<p>East Coker Neighbourhood Plan is being prepared for town and country planning and land use purposes and will set out a framework for future development in East Coker parish. 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 &amp; b) of Annex II of the EIA Directive.</p> <p><b>GO TO ASSESSMENT CRITERION 5</b></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><b>NOT APPLICABLE (refer to Figure 1)</b></p> <p>Although this criterion is not applicable, Local Plan Policy YV2: Yeovil Sustainable Urban Extensions includes provision to ensure that appropriate mitigation measures are taken in relation to the bat foraging features and routes from the Bracket's Coppice Special Area for Conservation some 6 to 8 miles to the south west.</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><b>Yes</b></p>	<p>The East Coker Neighbourhood Plan intends to support small scale development for residential use to meet local needs and business use as well as supporting the provision of adequate social and recreational facilities, protecting heritage assets and best and most versatile agricultural land.</p> <p><b>GO TO ASSESSMENT CRITERION 8</b></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><b>NOT APPLICABLE (refer to Figure 1)</b></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><b>NOT APPLICABLE (refer to Figure 1)</b></p>
<p><b>As a result of the response to assessment criterion 5 it is necessary to consider the Neighbourhood Plan under assessment criterion 8. Table 2 below does this by using the criteria set out in Figure 2 of this document.</b></p>		

**Table 2: Determining the Likely Significant Effects of the emerging East Coker Neighbourhood Plan on the Environment**

Significant effect criteria	Assessment	Likely Significant Environmental effect
<b>The characteristics of the plans, having regard to:</b>		
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 East Coker Neighbourhood Plan intends to support small scale development for residential use to meet local needs and business use as well as supporting the provision of adequate social and recreational facilities, protecting heritage assets and best and most versatile agricultural land, 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) and the adopted 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 should have regard to the NPPF and be in general conformity with the strategic policies of the South Somerset Local Plan 2006-2028. The Neighbourhood Plan is unlikely to 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 East Coker Neighbourhood Plan are likely to be minimal. Whilst part of the parish is located within Flood Zones 2 & 3 (through the centre of the parish), any future proposals within the flood zone would be subject to a Sequential Test and site-specific flood risk assessment in accordance with the NPPF. The	No

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	parish also has a number of heritage assets including Conservation Areas, listed buildings and an archaeological site of national importance, all of 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 general 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
<b>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
The probability, duration, frequency and reversibility of the effects.	The Neighbourhood Plan is likely to allow for small-scale development to take place in East Coker 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. Policies drafted reflecting the aims to protect the environment should also ensure that there are no significant cumulative effects.	No
The transboundary nature of the effects.	The parish of East Coker is located close to the District boundary with West Dorset, but 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 East Coker Neighbourhood Plan.	No
The magnitude and spatial extent of the effects	The Neighbourhood Area (NA) covers the civil parish of East Coker which has a usual resident population of 1,667 people (2011	No

<p>(geographical area and size of the population likely to be affected) by the Plan.</p>	<p>Census) and covers a geographical area amounting to around 796 ha. The aims of the plan are locally based and are unlikely to have a significant impact on a wider geographical area or population.</p>	
<p>The value and vulnerability of the area likely to be affected by the Plan due to:</p> <ul style="list-style-type: none"> <li>- Special natural characteristics or cultural heritage,</li> <li>- Exceeded environmental quality standards or limit values,</li> <li>- Intensive land-use,</li> <li>- The effects on areas or landscapes which have a recognised national, Community or international protection status.</li> </ul>	<p>East Coker NA has one site of national archaeological importance within its boundary (Roman Villa North of Dunnock's Lane) and another that is adjacent to the north western boundary of the parish (Chessels Roman Villa, in West Coker Parish) (Local Plan Policy EQ3)<sup>9</sup>. The NA does have some Local Wildlife/Geology sites to the south and the south west of the Parish (Local Plan Policies EQ2, EQ4 and EQ5). A large proportion of the existing built up areas of the settlement are within Areas of High Archaeological Potential (Local Plan Policy EQ3). Conservation Areas cover a large proportion of the existing built settlement - North and East Coker. Parts of the East Coker NA are designated as Flood Zones 2 and 3 (medium – high flood risk), including an area that runs east to west through the middle of the parish (Local Plan Policy EQ1). Much of the NA is classed as best and most versatile agricultural land, with Grade 1 predominating.</p> <p>There are no landscapes which have a recognised national, Community or international protection status in the East Coker NA.</p> <p>The Neighbourhood Plan intends to protect these valued areas. The policies within the NPPF and Local Plan (identified in brackets) also mitigate any significant impacts.</p>	<p>No</p>
<p><b>Criterion 8 Conclusion</b></p>	<p><b>The East Coker Neighbourhood Plan is unlikely to have a significant effect on the environment.</b></p>	

<sup>9</sup> Polices of South Somerset Local Plan 2006-2028, adopted March 2015

## 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 emerging East Coker Neighbourhood Plan on the Environment, it is concluded that the objectives of the East Coker Neighbourhood Plan are not likely to have significant environmental effects; consequently a full SEA is not required.
- 5.2 The aims of the East Coker Neighbourhood Plan are particularly supported by South Somerset Local Plan 2006-2028 Policies SS2: Development in Rural Settlements, EP15: Protection and provision of local shops, community facilities and services, EQ1: Addressing Climate Change in South Somerset, EQ2: Design & General Development, EQ3: Historic Environment and EQ4: Biodiversity, all of which have been prepared in accordance with the SEA Directive by being subject to Sustainability Appraisal. The objective to work positively on the implementation of the South Yeovil (Keyford) Sustainable Urban Extension is consistent with Policy YV2.
- 5.3 Given the lack of European Sites in the vicinity of the neighbourhood area, the limited wider impacts likely from the plan itself, and the protection afforded by Local Plan policies, this screening also concludes that East Coker Neighbourhood Plan will not have significant effects upon the integrity of European sites.
- 5.4 The three statutory consultation bodies, Historic England, Natural England and the Environment Agency were consulted on 20<sup>th</sup> April 2015 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 – via email on 8 <sup>th</sup> May 2015	<p>We note that the Dorset AONB lies within 2km of the plan area. It is not clear from the SEA screening document as to whether the NDP will allocate development sites. While it may be unlikely that allocated sites would have a significant environment effect, this cannot be ruled out at this stage. We therefore advise that should the NDP propose to allocate development sites, a SEA would be required (or at least additional justification provided to show a SEA would not be required).</p> <p>We concur that a HRA is not required.</p>
Environment Agency – via email on 27 <sup>th</sup> May 2015	We have no objections to the information submitted and are satisfied with the process and conclusions reached that SEA is not required for the plan.
Historic England – via email on 26 <sup>th</sup> May	If the emerging Plan consists of purely

2015	<p>criteria-based policies then we are happy that the NPPF and Local Plan will provide sufficient safeguards in terms of conformity for an SEA not to be required. But if the Plan intends to allocate sites for development over and above those identified in the Local Plan then the suitability of these will need to be tested against relevant aspects of heritage significance to ensure the principle of such allocation, even though on a small scale, will not cause unacceptable levels of harm.</p> <p>It is not clear from the Screening Report what kinds of policies the Plan will have and not having access to any information other than that forwarded by you we cannot verify for ourselves whether the scenario outlined above exists and therefore might have the potential for causing significant environmental effects – individually or cumulatively.</p> <p>So, in summary: if the Plan has criteria-based policies only we are happy with your determination that an SEA is not required. If the Plan does have site-based policies advocating quanta of development or the allocation of new sites we would expect there to be evidence to demonstrate that an SEA is not required, substantiated in the Screening Report as necessary.</p>
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- 5.5 In 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. This conclusion is based upon the current objectives of the East Coker Neighbourhood Plan. Given the consultation responses from Natural England and Historic England, if the Neighbourhood Plan subsequently seeks to allocate land for development this Screening Report may have to be revised.
- 5.6 This conclusion should be revisited at future stages, as SSSDC must decide whether the neighbourhood plan proposal is compatible with EU obligations when it takes the decision on whether the neighbourhood plan should proceed to referendum; and when it takes the decision on whether or not to make the neighbourhood plan.

Appendix 1 – Constraints Map

